# HOUSE OF REPRESENTATIVES—*Monday, April 6, 1987*

The House met at 12 noon, and was called to order by the Speaker pro tempore (Mr. FOLEY).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

WASHINGTON, DC,
*April 3, 1987.*

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on Monday, April 6, and on Tuesday, April 7, 1987.

JIM WRIGHT,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to praise You and give You thanks for it is right and just so to do. Help us to use our faith without so much regard as to the benefit to our feelings or to our personal advantage in life, but to honestly acknowledge You as the Author and Maker of heaven and Earth. We are aware of our abilities and our responsibilities to do good works and serve others, and yet above all else we offer our thanksgivings for the gracious gift of life and the wonder and awe and majesty we can experience in Your world. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT ON H.R. 1290

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until 6 p.m., today, April 6, 1987, to file its report on H.R. 1290.

This has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## ACID RAIN

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, the President's spokesman said yesterday in Canada that the President "share(s) the Canadians' view of the environmental costs of acid rain." Well, here is just part of the view of the costs from the American side of the fence: 3,000 American lakes and 23,000 miles of American streams killed by acid rain; $3.5 to $6 billion annually in damage to historical monuments; and $5.8 billion per year in damage to human health, visibility, and housing in the Eastern United States alone.

Billions more to hunting, fishing, parks, forests, and farms; 50,000 premature deaths annually due to the chemical precursors of acid rain,

Yes, it costs us daily for the administration to join hands with big coal, the auto companies and power monopolies to deny, delay, say no, and go slow.

They're cynics. And as Oscar Wilde said, "They know the price of everything and the value of nothing."

## ESTABLISHMENT OF HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, it is easy for us to play Monday morning quarterback but the fact is that people are dead today as a result of the tragic collapse of the bridge near Amsterdam, NY. Perhaps even more tragic is that despite enormous expenditures on maintenance and reconstruction, the National Research Council has estimated that nearly 40 percent of our Nation's bridges are nearing the end of their 50-year design life, and over 20 percent have already been identified as structurally deficient. By 1995, an estimated 26,000 miles or 56 percent of our interstate highways will need resurfacing or major repair work.

A few weeks ago I introduced legislation to direct the Secretary of Transportation, in consultation with the National Research Council, the National Academy of Sciences, and the National Academy of Engineers, to establish a highway research and development program focused on increasing the quality and durability of high-cost highway materials. It has been estimated that relatively small technological improvements made in such materials can save billions of dollars and more importantly, lives. I encourage my colleagues to cosponsor this legislation and help avert future tragedies such as the one we witnessed yesterday.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
*April 2, 1987.*

Hon. JIM WRIGHT,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:39 p.m. on Thursday, April 2, 1987 and said to contain a message from the President whereby he transmits the annual report of the ACTION Agency for Fiscal Year 1986.

With great respect, I am,
Sincerely yours,

DONNALD K. ANDERSON,
*Clerk, House of Representatives.*

## ANNUAL REPORT OF ACTION AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of Thursday, April 2, 1987, at page S4465.)

□ 1210

## IMPEACHMENT OF RONALD REAGAN—NO. 4

The SPEAKER pro tempore (Mr. FOLEY). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise to fill in some of the related bills of particulars in pursuance of the resolution of impeachment with respect to the violation of our statutes and the usurpation of the Constitution by President Ronald Reagan.

I have introduced resolutions of this nature at a time when it was obvious that our laws had either been violated or the Constitution usurped. I will note for the record that I was not one of those that introduced a resolution of impeachment in 1974 with respect to then President Richard Nixon. The reason was that the committees charged with this very awesome responsibility did not have to have any of the nonmembers pushing resolutions of impeachment. But since that day and time, and particularly since the advent of President Ronald Reagan, it has been very disturbing to me to see the Congress of the United States abdicate its rightful protection of its prerogatives as a coequal, independent and separate branch of Government under the Constitution.

It has been easy to applaud and cheer the President when he violated the law and the Constitution since the actions involved seemed to merit and receive the popular approval of the populace. So the Congress was loath to say anything critical of what was ostensibly a very respected and highly popular President.

However, when an action taken by the President and a series of events were reported that have clearly revealed gross incompetence, dereliction of duty, and violation of our statutes, all the way from the 1974 War Powers Limitation Act, which the Congress passed, to a series of violations of our neutrality acts, all three of them, it has, therefore, been incumbent on some of us to raise this issue.

Of course, when that happens, in the context of our activities and in the environment in which we work, it seems as if it is a flamboyant or a bombastic type of action, and immediately the suspicion is that perhaps this is a publicity seeking venture. But the fact is that I have been through that time and time again since I had the privilege of serving as a local representative on the city council of the city of San Antonio. At that time I was a lone voice in 1954 resisting what now appears as one of the most foolhardy things of all, the city council's insistence on passing belatedly, after 139 years of municipal life, segregative ordinances. I was alone in that, and nobody could say that that was a particularly attractive publicity seeking venture, for it was considered political suicide in my stretch of the country.

But I survived and was the only member of that council that was reelected in 1955. I was even confronted in the first announcements of the lone vote against these ordinances by a police sergeant who was denouncing me and was the self-proclaimed founder and head of the local White Citizens' Council and was organizing members of the San Antonio Police Department into a unit of that group. He denounced me in bitter terms. But it so happens he was also denouncing other groups of fellow Americans, the blacks, the Mexican-Americans, and the Jews, and when he did that, he brought upon himself something he had not quite expected. It was one thing to jump on a lonely councilman with no backing from either economic, social, or political strength, and it was another thing to take on some of the pillars of the community.

The fact is that by 1 year's time he was out and I was reelected and in fact had the glory and the honor of introducing the resolution to do away with all segregation based on race, color, or creed from all municipal tax-supported facilities in the city of San Antonio. That was in 1956, on April 19. Even though the council had been divided in our private sessions, I was able to persuade those who did not think the time had come for change, although the mayor then said the day had not come when the black was going to be swimming in the same swimming pool with the whites, except he did not use the word "black."

However, reason prevailed, and I was able to offer that motion and have that resolution and ordinance passed unanimously, and the result was fantastic. The mayor had telegrams from Geneva, Switzerland, and from all over the world proclaiming San Antonio as one of the most progressive cities in the country. It was recorded that San Antonio was the first and only city of any size south of the Mason-Dixon line to desegregate.

When that was accomplished, I resigned from the city council and announced my candidacy for the State senate, that then being considered as an act of kamikaze. It was supposed to be as hopeless to expect, without any type of resources, to win election to the State senate of Texas from Bexar County as it would be if I were to tell you that I would be running for Vice President now and would get elected in 1988. But it happened, and after three recounts I was declared the winner by 309 votes.

I did it with minimal resources. As a matter of fact, I did not even have the filing fee, which at that time was $100. But some of the members of the council said, "Well, one way to make sure he is definitely off the city council is that we will chip in and raise the money," and they did. They raised the $100 filing fee. This is the reason, by way of parentheses, when I did serve in the senate, I resisted stoutly all during the time I was in the State senate the attempt that was made to raise the filing fees for candidates to these various positions. I am glad I succeeded, but I am sorry to say that no sooner had I come to the Congress when, in that first month, the legislature increased by 500 percent those filing fees, which I thought was antithetical and was counterproductive to the participatory representative form of government that we all enjoy, whose heritage and legacy makes it possible for the likes of myself to serve in these capacities.

Nevertheless I went to the State senate and in my freshman year filibustered for 30 hours the race bills, the massive kit or package of resistance that had emanated, that had been initiated in Virginia and gone through all the 11 Confederate States. The Texas Senate was the only legislative body in any of the 11 Confederate States that even so much as debated, much less defeated, 14 of the 16 acts, and the reason was that we filibustered. But that was in May 1957, and it was looked upon as a lark. The thing that was noted was one of those things that attract popular fancy, that I could stand on my feet without cessation and speak for 30 hours without any aid. So we were able to hold fast, with the help of a fellow senator from Laredo, later my colleague here in the Congress. And the fact is that I stuck to the issue. I did not digress; I did not read recipes or anything; I stuck to the issue.

□ 1220

Then, in September, after Little Rock, the Governor of Texas decided he did not want, in his words, "Bayonets on Texas students' necks." So he called a special session in order to entertain two pieces of legislation that would have imposed, in effect, and reimposed another and different type of segregation in the name of protecting schoolchildren from bayonets as it was said in Texas had happened in Little Rock, AR.

I took the floor on that occasion in the first session and filibustered that for 22 hours and prevented its passage. The Governor was compelled to call a second session, special session. I will never forget as long as I live that as I filibustered that one, and the Governor, as in the case in San Antonio when an attempt was made to scare me off the city council by trying to frame me up, it boomeranged on them. The Governor was so incensed that I had caused, as he said, "The needless expenditure of a quarter of a million dollars in a second call session," that he got on State television in Dallas, TX, and denounced me by name. Well, actually, he did not know it, but he made me. I had senior senators, some who had been there 15 or 20 years, lined up on the Senate floor to shake my hand. Some saying, "We have been here 15, 20 years and we have never been able to get a Governor to mention our name on statewide TV hookup."

So, these are the ways, these are the unreported incidents that fill in a more descriptive picture of our processes which are still sound; that sap in

our Democratic tree still there. The people are all right, it is the leaders, the very agents like myself who have been named by the people to act in their representation that have let them down.

The people are there, and I am living proof of it. I would not be here as an elected Congressman much less would have been as a State senator and a city councilman if it had not been for the fact that the people came out despite overwhelming odds. All the money that could be mustered at that time against.

In the first race for the Congress, former President Eisenhower went down in San Antonio 3 days in a row to campaign for my opponent. Both newspapers were for my opponent. So I had to face Eisenhower with my opponent, his arm around him, 3 days in a row on the front page in color.

The people came through. So who am I to say otherwise than to stand witness to the fact that the inherent wisdom of the people, if only relied upon by our leaders, if only our leaders would realize that no matter how unpleasant, no matter how dangerous politically it is to tell them the truth, that the people in the long run will more appreciate that than to find later that they had been fooled and galled and flumuxed.

This, I think, is what is not happening simply because I charge that the Congress, collectively, has abdicated these great trusts of standing up. We take an oath to faithfully support the Constitution against all enemies, domestic and foreign. Not just a foreign enemy, but the domestic enemies to the Constitution. I say that when a President like Ronald Reagan, time and time again, disallows and considers the Constitution as an impediment and overlooks it and willfully violates it, and violates statute after statute that the Congress has enacted into law and which he, under his oath, is sworn to faithfully execute, I say that is an impeachable President. If ever there was one, certainly Ronald Reagan is an impeachable President.

I do not do this because it is exactly a pleasant thing, but because, like I have on other occasions in the absence of those that have the direct responsibility doing it, I feel I have got to stand up. I have a whole flock of grandchildren and I do not want them later on to say, "Well, you know, Grandpa was there, and he never said a word."

The reason I am impelled to speak and the reason I was impelled to introduce the resolution of impeachment as I did just a few weeks ago, known House Resolution 111, is that I am as sure as I am standing here, and God in Heaven knows that I pray I am dead wrong, as I have on other occasions, that if we do not, if the President continues to feel that he can get away, it will not be more than 2 months you will have your children and your soldiers dying in the jungles, not of Southeast Asia, but to the south of us, in our front porch and back porch.

I say this is the time when we have got to restrain a runaway President. The President has indeed been conducting war in Central America. What else? Do we call putting 50,000 men in Central America a training exercise? Do we call the expenditure of more than $5 billion in 6 years a training exercise expenditure, where we have surrounded the isthmus for 6 years with 30,000 of our men constantly in the air, on the sea, on both sides of the isthmus and on the land with forces in violation of the War Powers Limitation Act.

When has the Congress said, "Mr. President, the Constitution gives the exclusive right to declare war to the Congress. So you stop making war until you come before us and get that permission." That has not happened.

Now, because of the reaction to my introduction of this resolution, I have not made releases, I have not gone out to make releases, even to my own hometown paper. However, the press, as much as it is villified, is on record as having taken note the day I introduced that resolution and made a 5-minute address to explain it. After I finished, I had the wire services reporters buttonhole me here in the corridor, and I met several of them and explained further my reasons and gave a more detailed reasoning which, since then, I have placed into the RECORD.

They did put it on the wire, whatever newspaper that services or is serviced by the UP or the AP did not see fit to report it. That was their judgment. But it is not because a responsible, national news-gathering agency did not do it.

I did not go out and flood my colleagues with "dear colleague" letters asking them to get on this resolution with me for the main and simple reason that I think that the introduction of this resolution in good faith and setting forth seven articles of impeachment, all specifics, and I will modify this to add about three more before this tale is told, that I at least deserve the proper subcommittee to look it over. I am willing to stand that test; I am willing to appear before the subcommittee and argue the point, and then stand by that judgment of my peers.

All I ask is that it not be cast in indifference because we are dealing with life and death issues, though it is not apparent at this time. The headlines are not there; they soon will be.

Also, in the meanwhile, serious, sober, responsible, widely known and established observers, writers, reporters have taken note. I would like to refer to the last issue of the New Yorker, March 30, 1987, that I received at least in the mail as a subscriber, in which one of the most incisive and observant writers and reporters, I rank her higher than any other, even including James Reston, who has the notoriety and properly so; he has been a great reporter.

□ 1230

I am speaking of Elizabeth Drew and in her Letter From Washington dated March 22 she makes some incisive, some perceptive remarks. I consider Miss Drew as one of the most objective and one of the most straightforward and dispassionate observers and reporters of events anywhere, at any time. She has quite a bit of experience over the course of a few Presidents and administrations.

Madam Speaker, I include the text of this article for the RECORD:

The text of the article is as follows:

LETTER FROM WASHINGTON

(By Elizabeth Drew)

MARCH 22.—This is one of the strangest times here in memory. The President's advisers are trying to restart the Reagan Presidency—the fourth such attempt since, on the same day (November 4th), the President suffered a political humiliation in the 1986 elections and the news first broke that the United States had been engaged in swapping arms to Iran for hostages. Each time the show doctors are brought in, they seem to offer the same prescription: have the President look busy (a snippet on the television networks of one appearance a day can do the trick), have him make a speech, send him on the road. But none of these efforts have been very successful: in part because they are so obvious (the President's advisers not only have him do these things but they talk about having him do these things, thus undermining the exercise); in part because the story of arms for hostages and all the rest not only won't go away but keeps growing; and in part because the lead player is the same. His hitting the road for last fall's elections did him no good, largely because he had so little to say. And the President's recent speech on the Iran-Contra affair was only partly successful, mainly serving the purpose of buying him some time. That's usually about all that speeches can do for Presidents in trouble. In the current circumstances, a buck-and-wing won't suffice. His press conference last week was widely considered a success, simply because it wasn't a disaster—but he said a number of things that will not stand up to scrutiny.

The arrival of some new and popular figures in the Administration and the departure of some old and disastrous ones certainly helped; though Washington does tend to fixate on personnel changes, with a President as passive as Reagan changes of personnel can mean changes in substance. In fact, without the context of Donald Regan's having departed (characteristically stormily) as chief of staff and having been replaced by Howard Baker, the speech would have had far less effect. And the way in which the change in chiefs of staff was done—by the President's wife and some of his associates—made the President appear even more hapless than before, threw him into bolder relief as a bystander at his own Presidency. Baker was cooked up by others and served to him—just as Regan had been.

For now, and perhaps for a few more weeks, Baker and the other new arrivals will be given generous, even glowing, treatment by the politicians and the press here, but such treatment can be of limited duration. Moreover, some of Reagan's new team have been appalled at the mess they have found throughout the Administration, and it is far from certain that they can glue a government together.

Many people here—in fact, a much larger number of people than ever before—are aware that the Reagan Administration is in the grip of events beyond its control, and that at any time something new and shattering could come out. The word around town is that Rear Admiral John Poindexter or Lieutenant Colonel Oliver North may well testify that Reagan did know about the diversion of profits from the arms sales to military assistance for the Contras—which a small but growing number of people say could get him impeached, or force him to leave office—but even if that is so (it's not always clear how these rumors get started), it's not the only danger Reagan faces. If it becomes clear that Reagan knew about the systematic efforts by members of his National Security Council staff to get military assistance to the Contras at a time when such aid was prohibited by Congress—not just from North but perhaps also from Poindexter or Robert McFarlane, who were North's supervisors—then he could be in serious trouble as well. If a White House can decide that a law passed by Congress is inconvenient, and simply set out to circumvent it, then our constitutional system is finished. Other Administrations have found Congress a pain (in fact, most do), but Reagan and some of the people surrounding him have frequently showed a strong contempt for Congress—an attitude that may have led them to contempt of Congress. Of late, I have heard very calm and sensible people—who know a lot about the Iran-Contra issue—talk about the possibility of Reagan's "forced retirement."

Such are the problems with Reagan himself that his handlers, including his wife, make it obvious that they are most reluctant to let him out on his own and say anything that has not been carefully scripted. They held off his press conference for as long as they thought they could get away with it. And his answers during the press conference were obviously carefully rehearsed. The President's recent device of feigning laryngitis whenever the press got near was a supposed joke that was nonetheless disconcerting. (Other devices employed for keeping the President safe from himself are to have the rotors of the helicopter that is to take the Reagans to Camp David turning, thus drowning out the shouted questions of the press, and to have the President use his deafness as a convenience.) When the President of the United States can't be allowed to speak spontaneously, something is wrong. This is not a new problem: throughout Reagan's Presidency there have been episodes that caused the President's advisers to clap their hands to their foreheads; in the 1984 election, he was carefully cocooned from the press, and his performance in his first debate with Walter Mondale, in which he was especially hesitant and forgetful, caused a severe attack of angst within the Reagan camp. It was clear that his people were trying to hide something from us.

One of the many forms of luck that Reagan enjoys is that the standards to which he has been held have been so low that the fact that he got through his latest speech (a very brief one) on the Iran-Contra affair was considered something of a triumph. So was the press conference, in that Reagan simply got through it without too much faltering and mental wandering (though there was some). He turned in a relatively good performance as Ronald Reagan, but it was obviously a performance. Fortunately for him, he has succeeded in getting many people to judge him on that standard alone—that is, on his own terms. His earlier televised speech was held to thirteen minutes by his advisers because they feared there was no way that Reagan could go on for longer without appearing defensive. This confirms the impression one had from watching the speech (and the press conference) that Reagan really hadn't come to terms with what had gone on, that he still didn't get it. What some observers saw in the speech as an act of contrition seemed to be more a case of Reagan's grudging acceptance that he had to admit that something had gone wrong but a resistance to saying any more than he felt he absolutely had to.

Years of watching Reagan make it not too difficult to tell when he doesn't believe what he is saying—in part because he is so good at conveying what he does believe. But even now, after all the practice, his acting abilities are limited. In his speech, he admitted that there had been an arms-for-hostages policy, because by then he had no choice, but he still insisted that it had grown out of what had begun as a noble geopolitical effort. And he did the same thing in the press conference. Though in the course of the speech Reagan said, "It was a mistake," figuring out the antecedent of "it" presented a daunting challenge. The most likely candidate was "What began as a strategic opening to Iran deteriorated in its implementation into trading arms for hostages"—how the "deterioration" happened was left unexplained. (He used the same formulation in the press conference, though the Tower Commission report shows that the opening to Iran and the trading of arms for hostages began simultaneously.) The President, in the speech, seemed to hold the word "mistake" as far from him as possible—as if it were a worm. And one problem was that in November Reagan had said, "I'm not going to lie about that, I did not make a mistake." So which, does he really believe? In the speech, he engaged in a number of circumlocutions, and (as in the press conference) was not always at one with the facts, or the findings of the Tower Commission, about which he said, "Its findings are honest, convincing, and highly critical, and I accept them." In both appearances, he offered not one bit of new information and made no mention of the fact that there had been a coverup. He continued to maintain that he had tried all along to get the story out—an obvious untruth. And in both appearances his delivery was energetic—and seemed deliberately so, in order to have us conclude that thirteen minutes of a forceful delivery or a half-hour news conference in which he struck and held a commanding pose means that we have a forceful President, one who is in command. But after each of Reagan's reluctant pronouncements that something or other went wrong he seems to lapse into recidivism, and in private conversation has continued to defend what went on.

We know now, of course, that almost everything the President said in the days after the story broke last November—in a speech and in a press conference—was untrue. Reagan's advisers try to explain this away by saying that he was poorly briefed by advisers who are no longer with him. But there is a difficulty with this explanation: how, for example, could a President who (as the Tower Commission report shows) sat through a number of meetings on the question of cooperating with Israel in sending arms to Iran, and who approved such an action, not remember that Israel was involved—as he maintained, four times, in his November press conference, it was not? (A correction was quickly issued by the White House, in Reagan's name, saying, "There may be some misunderstanding of one of my answers tonight." At last week's press conference, Reagan said, "It was just a misstatement that I didn't realize that I had made," but when he gave his version of how the Iran policy got under way he once again left Israel out.) Moreover, Reagan told the Tower Commission that he had thought the Israelis would be involved. There is also the problem of Reagan's saying that he doesn't remember when he approved the Israeli shipment (a decision with legal implications)—and his changing his story on this twice, ending with a rather pathetic letter to the Tower Commission. ("Try as I might, I cannot recall anything whatsoever about whether I approved an Israel sale in advance or whether I approved replenishment of Israeli stocks around August of 1985. My answer therefore and the simple truth is 'I don't remember—period.'") In the press conference, the President again changed some of what he told the Tower Commission but continued to maintain that he couldn't remember when he approved the Israeli shipment.

There were other things the President told the Tower Commission he had forgotten. Among the more alarming lapses of memory was whether in early January, 1986, he had signed a "finding" permitting the C.I.A. to become involved in getting arms to Iran (though it already had been). The law requires a President to sign a "finding" in order to authorize any covert action, denying him deniability. Donald Regan told the commission that the President may have signed it "in error." If the President can mistakenly sign a document to set in motion a covert activity, there is a problem. (The commission also says it is unclear whether the President signed a different proposed finding in November, 1985.) A slightly altered version of the finding, the official one, was signed by the President later in the month.

This gets to rather basic questions about the President—questions raised by some in earlier years but that number of people had preferred not to face. There is no good explanation for "forgetting" when a key decision was made, just as there is no good answer to the question of whether or not he knew about the diversion of funds to the Contras. (Reagan has claimed a faulty memory before.) But there is one possibility that could explain not only Reagan's but also his advisers' various versions of when the decision was made to let Israel send American-made arms to Iran (with us later replacing the arms) in order to get some hostages back: that the decision was deliberately made in an opaque manner so as to give the Administration deniability if the gambit didn't work. (Thus, this operation was launched without a finding.) In fact, the chronology of events and the testimony and memos published in the Tower Commission report show that a deliberate decision

was made to let the Israelis handle the job so as to provide the Administration with deniability. There is reason to think that the explanation often put forth for why certain things happen—that Reagan is "disengaged"—might be overdone.

Even the Tower Commission suggested, delicately, that the Administration attempted a coverup after the arms-for-hostages story broke. (It exempted the President, saying that it was "convinced that the President does indeed want the full story to be told.") And though it touched only lightly (it had run out of time) on the Contra-support operation run out of the White House during the congressional ban, it did make it clear, through the publishing of certain documents, that North had been engaged in an elaborate exercise in getting this done. This was not—or should not have been—news, but the combined effect of the documents and the commission's authority gave the subject new weight. The documents also show that North kept Poindexter and McFarlane fully informed about what he was doing. Yet because of the commission's lack of time and of subpoena powers there remain a number of questions that it did not get into to any great extent: among other things, where the money from the arms sales went, how the exercise in getting military equipment to the Contras worked. Those are among the reasons so many people here feel that the story is far from over.

The strong impact that the Tower Commission report had stemmed from the fact that it did force people to face some fundamental things about the President: that he is so deficient at governing—and in understanding what governing means (even relaxed governing)—that he cannot be left to function without very strong and smart advisers to make up for his deficiencies. ("President Reagan's personal management style places as especially heavy responsibility on his key advisers.") The clear implication was that Reagan is not up to the job of being President. But the commission elected not to say this, for fear of the consequences of doing so. The commission members—former Republican Senator John Tower, former Democratic Senator and Secretary of State Edmund Muskie, and former national-security adviser Lieutenant General Brent Scowcroft (Ret.)—set about with the deliberate aim of trying to shake up the President while at the same time fulfilling the necessity, as they saw it, of preserving the Presidency. Since Reagan presumably would be around for the next two years, they did not want to render him completely ineffective. These three men are king's-party men, not rebels, but they wanted to tell the President some things that he could not avoid. They did it in a way that caused a national thunderclap.

But the fact that the President is a great delegator, and often appears to be disengaged, does not mean that he is always ignorant of what is going on. His is at times what might be termed deliberate disengagement—a calculated removal of himself from the picture when it seems better that he not be in it. His "disengagement" provides a convenient excuse. Reagan is not the simpleton that so many portraits of him suggest: he is wily, and quite capable of guile. (Several of his answers at the recent press conference were clever—perhaps too clever.) And, after all, he does attend meetings and make decisions. In addition, he creates a certain atmosphere within his Administration that leads people to think, not accidentally, that there are certain things he would like to see happen. Therefore, the idea that Reagan is "disengaged" does not necessarily mean that, among other things, the arms-for-hostages plan was foisted on him.) The Tower Commission report shows that Reagan wanted to keep the arms-for-hostages plan going when even some of its proponents wanted to shut it down.) It also does not necessarily mean that he was unaware of the fact that his aides, in probable violation of the law (the Boland amendment) prohibiting the Administration from providing military assistance to the Contras—directly or indirectly—were engaged in systematic effort to get arms to the Contras.

In fact, it would seem impossible that Reagan was unaware of the Contra-support program; that the Contras were receiving military aid from somewhere and that North was involved was being reported in the press, with some prominence, and the President himself was involved in meeting and thanking contributors of what was said to be "humanitarian" aid. The President said at his press conference that he was thanking them for raising money for television ads urging Congress to support Contra aid; the Tower Commission report contains a memorandum by North to Poindexter saying, "The President obviously knows why he has been meeting with several select people to thank them for their 'support for Democracy' in CentAM." It was an open secret that North was coordinating the getting of military assistance from "private" souces and from third countries to the Contras. Congress looked into the matter but didn't pursue it: Reagan was very popular then, and the tentative congressional inquiries that were made were easily foiled by the White House. (After one session in which North misled some members of Congress on this point, Poindexter wrote him a memo saying, "(Well done.") The Senate Intelligence Committee report, which was issued in late January, showed the President to have participated in certain meetings where getting military assistance to the Contras, and the diversion of funds, may have been discussed, and both the Committee and the Tower Commission showed that—perhaps not coincidentally—a memo by North talking about McFarlane's forthcoming trip to Iran and also suggesting the diversion of some of the profits to the Contras was attached to a memo about McFarlane's instructions. The commission (which was subject to fewer security restrictions than the committee was) published North's memo, showing that it was addressed to Poindexter, who was to forward it to the President, and also showing that it requested the President's approval or disapproval of the proposed steps for getting arms to Iran in connection with McFarlane's trip and of McFarlane's instructions. The commission said it had "obtained no evidence that Poindexter showed this memorandum to the President."

Perhaps the President believed, or was led to believe, that in providing "private" and third-country military aid to the Contras no law was being violated, but there is no sign that he made a point of finding out. It is not in his nature to ask a lot of questions at meetings, or to call in aides and demand to know what the hell is going on. This is what the Tower Commission referred to, in its business-school-textbook prose, as Reagan's "management style." In the press conference, the President defended his "management style" at the same time that he appeared to be laying off on his aides the responsibility for the Iran program having "deteriorated" into arms for hostages, and said frequently that he still doesn't know the answers to some important questions about what happened. At times, the commission seemed too kind; for example, it seemed to accept the President's word that he didn't even know that Iranian operations were being run by the National Security Council staff, rather than the C.I.A.—which seem preposterous. As for the President's contention that he had no knowledge of the diversion before Attorney General Edwin Meese told him about it (and shortly after that told the public), the commission's saying that "no evidence has come to light to suggest otherwise" doesn't put an end to the matter.

The very fact that the Tower Commission, made up of three unflamboyant figures, gave the President the benefit of the doubt on this and so many other questions, and wrote a sombre, colorless report, and employed a number of euphemisms, lent what it said all the more impact. The commission also deliberately skirted the question of whether illegalities were committed, but even on the basis of what we know thus far several seem to have been. And it also deliberately refrained from making proposals for structural changes in the National Security Council or for new laws governing it—so as to avoid letting Reagan slide off the hook by announcing that he has solved everything by moving someone's office four doors down the hall. (Anyway, Frank Carlucci, who took over as national-security adviser early this year, had already made extensive changes in the N.S.C.'s procedures and personnel.) Rather, in saying, "The N.S.C. process did not fail, it simply was largely ignored," the commission laid the problem at the President's door. By also placing blame on Donald Regan ("He must bear primary responsibility for the chaos that descended upon the White House") and Secretary of State George Shultz and Defense Secretary Caspar Weinberger (saying that they had "distanced" themselves from the arms-for-hostages policy, and had not tried hard enough to talk the President out of it), and a number of others, the commission did (perhaps intentionally) leaven the charge against the President. But this in itself gets back to Reagan's incompetence in governing.

The importance of the Tower Commission report was that it gave an official stamp—if these guys said it, it had to be true—to some things that a number of people had been saying about Reagan for some time. Moreover, now the audience was readier: there had been a long trail of foreign-policy disasters within only five weeks' time (the "non-swap" of Nicholas Daniloff for a Soviet spy, the downing of Eugene Hasenfus's plane over Nicaragua, the "disinformation" campaign, Reykjavik). Looking back, the downing of Hasenfus's plane was an omen—and a metaphor.

With the departure of Regan and the retirement of C.I.A. director William Casey, a number of Administration officials feel vastly relieved. Regan's ruinous corporate-style management of the White House shut almost everyone else out—and when Regan did allow anyone to see the President he almost always was in attendance. And Regan, it became disastrously clear, had absolutely no political feel. He was a walking example of the hazards of having businessmen in politics. With Casey gone, other officials feel not only that a malevolent influence on the President has departed (Casey

did have direct access to the President) but also that they are no longer in so much danger if they have incorrect thoughts. The thought police who have patrolled, if not controlled, this Administration are not entirely gone, but one of their most powerful officers has left the scene.

Howard Baker will have no easy time of it as the President's new chief of staff. He has an equable temperament, a conciliatory manner, and is at ease with himself—all qualities that are most welcome, especially after Regan. (Regan, among other things, had a violent temper.) That Baker is a likable man and that he has very good relations with Capitol Hill (on both sides of the aisle) and with the press were seen by the Reagan advisers who installed him in the job as prime assets. Reagan had run against "Washington" and, especially in the second term, governed against Washington, but when he was in very deep trouble his advisers turned to a quintessential Washington insider. (Richard Nixon did the same thing, and so—though he was in less trouble than the other two—did Jimmy Carter.) That Baker has ended up not only as chief of staff but almost as a prime minister—at least, this is how many Republicans hope it will work—is full of ironies. Regan was critized for trying to act like a prime minister. And Baker has hankered for a long time to be President or Vice-President, only to be barred by the very wing of the Republican Party that has now reached out to him for salvation. An associate of Baker's says that he had become bored with practicing law, and was most interested of late in becoming Secretary of State—but that job (at least as of now—is filled. I'm also told that Baker would have accepted the rule of director of the C.I.A. but that he hadn't been asked right: Donald Regan asked him, and Baker was not interested in being Regan's C.I.A. director. Baker was apparently quite ambivalent about whether to run for President this time, so the invitation to come in and save Reagan was attractive.

However, so many of Reagan's supporters are still so suspicious of Baker that Meese (another watchdog for the right) has had to provide him with political protection, and conservatives have set about providing checks on him. Former Nevada Senator Paul Laxalt, perhaps the President's closest pal, will head a committee of prominent conservatives—his co-chairman will be Edwin Feulner, the head of the right wing Heritage Foundation, which sometimes seems to be running this Administration—to keep an eye on Baker. (Actually, Reagan doesn't seem to have strong friendships in the sense that he reaches out to people—they try to figure out how to get to him, and usually do so through Nancy Reagan.) Reagan's "kitchen cabinet"—the wealthy Californians who have backed him for a long time—is to be brought in for a White House meeting. Important Republican Party figures will be called in Laxalt, who figured large in bringing Howard Baker in, told me recently, "I think they're all going to watch Howard very carefully. They'll be assessing the situation and seeing to it that Howard adheres to the President's agenda." By "the President's agenda" the conservatives have in mind meeting the targets of the Gramm-Rudman law (a virtual impossibility without a substantial increase in taxes, if it is done honestly), not trading away the Strategic Defense Initiative, and continuing aid to the Contras. (Military assistance has once again been made legal, but the entire program is in jeopardy on Capitol Hill—though perhaps not as much jeopardy as many people seem to assume. It is not yet clear that the Democratic Congress wants to be held politically responsbile for completely cutting off aid to the Contras.) Laxalt told me that the purpose of these exercises in Baker-watching is, "to some degree, pacification" of the right.

But there as a number of questions about Baker in his new position, among them what his philosophy really is. People tend to think of him as a moderate, in part because he is so reasonable, but even some people close to him say that he doesn't have a political philosophy. During the first Reagan term, when Baker was the Senate Majority Leader, he was essentially a broker. People who admire Baker and know him well worry about some other things about him in his new job: he has never run a large staff he has never had to make executive decisions of the kind called for in the White House, and his history is one of conciliating rather than of knocking heads together—but if he is to bring order to the Administration, knocking heads together may be essential. Baker does bring something to the White House that it desperately needs—some common sense. If the President listens to him—a big question—Baker can help do the one thing that Reagan obviously needs: give him more protection against himself. But Baker is working for a man with deeply ingrained habits of thought.

For all the impact the Tower Commission report had, there still has not been a thorough investigation of what happened. The investigations now under way by the independent counsel, Lawrence Walsh, and by the newly established Senate and House Select Committees will tell us a great deal more than we already know—probably none of it good for the Administration. It is possible that several indictments will take place, and that some dramatic—and possibly explosive—testimony will be given. And the committees and the independent counsel are proceeding in an unprecedentedly cooperative manner—which also bodes ill for the Administration. They have gone a long way toward resolving, through negotiations, their potentially conflicting aims: the counsel to get indictments, the committees to get testimony—which can require giving witnesses partial (limited) immunity, from prosecution based on what they say before the committees. The fact that the two committees have agreed to hold joint hearings and to pool their resources and investigations—so as to avert charges that they are doing overlapping work, solely for the glory of it, and to keep them from tripping over each other—is a near-miracle.

The two committee chairmen, Senator Daniel Inouye, Democrat of Hawaii, and Representative Lee Hamilton, Democrat of Indiana, want the hearings to get to the point as quickly as possible and want to avoid trivializing what the issue is all about. While showing on television some of the shady, even shabby, figures that the Administration got involved with would be entertaining, and telling tales of money trails and Swiss bank accounts and ripoffs could be riveting, the chairmen want to avoid an atmosphere of low comedy. Both men also want to avoid the atmosphere of the Ervin Watergate committee, which, though entertaining and productive, devolved into partisanship and certain instances of showboating. And both chairmen want to know where the public testimony is headed before it is begun—thus the agreements with the independent counsel that the committees can, under tight security, begin to interview key figures in private, giving Walsh time to build his cases against them in the meantime. Therefore, the next couple of months could be the crucial ones. (Public hearings are not scheduled to start until May.)

In making judgments about whom to call and when to call them, the committees and their own counsel are deliberately trying to avoid foreclosing the prosecution of certain people: among them might be Richard Secord, the former Pentagon official who, along with old friends from the Pentagon and the C.I.A., was involved in both the Iranian and the Contra operations. (Some of the most important people in our government entrusted some of the most sensitive and secret—at least, from us—policies to people who came from the world of Edwin Wilson, who is serving a jail sentence for selling arms to Libya, and to Middle East arms dealers, one of whom flunked a C.I.A. lie-detector test.) Albert Hakim, Secord's business partner, has been granted limited immunity, because the congressional investigators are having trouble getting access to information about the Swiss accounts. (Switzerland protects its clients.) And the Senate committee has begun civil contempt proceedings against Secord to get his bank records.

The reason Poindexter will be given limited immunity in early May and will be called to testify in mid-June, pursuant to an agreement between the committee and the independent counsel last week, is that he is now considered the key figure in the case. North, after all, reported to him, and Poindexter briefed the President every day. North won't be given limited immunity until mid-June, thus giving the prosecutor more time, and will be called to testify after that. What the congressional investigators want to know is whether Poindexter told the President not only about the diversion of funds but also about the extensive program run out of the White House to get military assistance to the Contras—in defiance of the law. And if Poindexter did not tell the President about the Contra-support program, they want to know why not—who told him not to. (The investigators will also look into McFarlane's involvement in the Contra-supply effort while he was national-security adviser.) Poindexter, after all, is a military man, and a rigid one at that, used to working in a chain of command. Most people here think it highly unlikely that Poindexter took it upon himself to have the N.S.C. staff carry out these or other operations.

Whatever Poindexter has to say about whether he told the President about the diversion and about the program to provide the Contras with military support at a time when this was banned—and if not why not—could be very explosive. An issue that is gaining high priority in the congressional investigations is that in undertaking the Contra-support program the executive branch defied the law established by Congress. In the current context, members of Congress are taking this more seriously than they did before. This is really why the Select Committees plan to begin their hearings with the Contra-support program—and not just, as spokesmen said publicly last week, because they want to take up the issues in chronological order. (The Contra-support program preceded the arms-for-hostages dealings, and they were both essentially carried out by the same people—in and out of government.) And this is why the committees want to interview Poindexter,

and then have him testify publicly, as soon as possible. There is a growing feeling within the Hill investigations that if Reagan did know about the Contra-support program this has serious implications. An important member of the Senate Select Committee has told me that the part of the strategy is that if anyone testifies that Reagan knew about the diversion, proof that he had also known about the Contra-support program would give weight to that charge, but the Contra-support program is now considered important on its own. This theory goes that Reagan had ample opportunity to tell the country whether he was aware of the White House activities to get military assistance to the Contras, but even in his latest speech he said nothing about this and in the press conference he denied that he had known about it. The moral distinction between lying and withholding the truth is a narrow one. In both appearances, he also said that he did not know about the diversion. (Some Senators close to the investigation say they are surprised that Reagan was so absolute about this at the press conference—that he left himself no room.) Thus, the idea is quietly taking root on Capitol Hill that if it turns out the Reagan was lying on either of these points, or blatantly failed to level with the country, then Congress, as well as the country, could be so enraged that he might not be able to finish his second term.

Meanwhile, the President's advisers are trying to get the Administration back on track, and get the public's attention focussed on other subjects. But even some of Reagan's closest aides and strongest supporters in Congress know that it will be very difficult to keep public attention focussed on other matters—and Reagan himself is not much help. Not long ago, in what was then a rare public appearance, he said, "We've spent enough time the last few months on inside-Washington politics—who's up and who's down, who's in and out." This is in line with a comment he made last fall—"This is a Beltway bloodletting." If Reagan really believes these things, he is not only seriously out of touch but also will not be of much help to himself: straightening out a problem has to begin with understanding what it is. That is, if it's not too late. And the term "inside the Beltway" is a mindless one—one that should have long since been retired. It overlooks such things as television, newspapers, and magazines that convey information "outside the Beltway;" it demonstrates a total lack of understanding of how opinion travels, and grows; and it is an insult to the American public. There is a direct correlation between people's using the term and their wishing that a certain subject not be discussed.

Reagan, of course, only undermined himself by bowing recently to the wishes of Weinberger and Shultz that he defend them against what the Tower Commission report said about them; in doing so, in a recent Saturday radio talk (to the consternation of Howard Baker and several other advisers and allies), he gave the subject a new lease—and completely scrambled the signal about his acceptance of the report. We already knew that Shultz and Weinberger were more aware of what was going on in the course of the arms-for-hostages policy than they have let on, and that they could have tried harder to stop it. Their insistence that Reagan exonerate them is symptomatic of a problem that has dogged the Reagan Administration for some time and is far from solved—that it is made up of a bunch of people who proceed on the theory of every man for himself. Reagan's preference for "cabinet government" has been a deterrent to coherent policy all along but at least in the first term he had some people around him—James Baker, Michael Deaver, and Meese—who helped hold things together, if only to a degree. (Deaver, of course, has since been indicted for perjury in connection with his lobbying activities after he left the White House.) After the first term, whatever center of gravity there had been was gone. The fact that Reagan has had five national-security advisers in six years has been a symptom, as well as a cause, of the Administration's chaotic foreign-policy-making. The recent behavior of Weinberger and Shultz—and the President—is an example, but not the only example, of the fact that the centrifugal forces in the Administration are still dominant. And the Iran-Contra affair—contrary to what Tower said when the commission released its report—was not "an aberration" but only an extreme example of what was going on all the time. One foreign-policy official said to me recently, "The barons still want to rule their own roost." He continued, "The State Department and the Defense Department would still prefer not to have the N.S.C. coordinate things; they don't like the idea of reaching bureaucratic decisions, because it is more difficult and less likely to reflect their own positions. And they have bureaucratic allies, and friends on Capitol Hill and in the media. The Administration resembles the Congress—with continuing battles among the special interests." Howard Baker and Carlucci are trying to put the Administration back together, this person said, but he added, "After six years, and especially the last two, it is very difficult to restore some central control over what is really anarchy."

Representative Dick Cheney, of Wyoming, one of the most powerful Republicans in Congress, and also usually a strong supporter of the Administration (something that recent events have made it increasingly hard to be), said to me the other day, "I didn't like that Saturday radio talk. It seems to me the President hasn't solved all his problems until he manages the Shultz-Weinberger relationship. As long as they think they can get him to work for them, that's a problem. And it has substantive consequences, because as long as there is the apparent drift within the Administration on major foreign-policy issues—arms control, the A.B.M. treaty, Central America—there's a sense of a lack of decisiveness in the foreign-policy arena that encourages the Congress to move in." Cheney added, "The President's going off to defend the Secretaries is proof that he hasn't conquered that problem."

William Webster, Reagan's new nominee to replace Casey, will, if he is confirmed, face some real challenges. Webster gets generally high marks for his recent role as F.B.I. director, though some members of the Senate Intelligence Committee, which must approve his nomination, have a few questions they want to raise—among them some about Webster's own handling of certain aspects of the Iran-Contra affair. Still, Webster is well liked here, and gets around, so he starts with a line of credit. But it is clear to people who know a lot about Casey's C.I.A. that Webster will have to not only reorient the agency (away from trying to relive the days of the O.S.S.) but also, as one qualified observer puts it, "clean out" the agency's operations directorate (the one that does covert action). Casey, in thinking that the glory days of the O.S.S. could be revived, set the agency loose on many questionable ventures, gave a number of C.I.A. officials who were all too ready to go back to the good old times their head, and proceeded as if the laws enacted in the last couple of decades (in the wake of certain disclosures), including requirements to report certain things to the congressional Intelligence Committees, were not meant for him. Thus, Casey reflected, and encouraged, an attitude that was not uncommon in the Reagan Administration—which in several instances was no less than lawless. This fits in with the case that the Select Committees on the Iran-Contra affair are building. Further, Webster could have another problem; he has no background in the area of foreign policy, and thus will be dependent upon the C.I.A. bureaucracy. And some informed observers think that the truth has not come out about the C.I.A.'s full role in the affair. Also, C.I.A. officials have a history of running rings around directors who are unfamiliar with the place.

Reagan could, of course, be blessed again with his famous luck. He has already had the good fortune to have Soviet leader Mikhail Gorbachev make it somewhat more likely that the two men might be able to agree on a treaty reducing intermediate-range nuclear missiles. All Gorbachev did was revert to his pre-Reykjavik position that such an agreement could be reached apart from agreements on long-range weapons and S.D.I. For Reagan, this was a great gift, presenting him with the possibility of both an I.N.F. agreement and a summit meeting, and perhaps even the outline of an agreement on the larger questions. But, given the situation within the Administration, with those who don't want Reagan to bargain on S.D.I. still trying to checkmate those who do, the chances of a full, if any, agreement on the big questions do not as of now seem very great. It is the very fact that the I.N.F. issue is not so important that makes an agreement on it more possible. The historical irony is that Reagan and Gorbachev seem to have parallel needs: each, for his own reason, needs an arms-control agreement. Reagan, of course, needs one to improve his political situation and for what is referred to as "his place in history"—which is a bit shaky just now. Gorbachev needs one in order to affirm his primacy within the Soviet leadership and to lessen the drain on the Soviet economy of the arms race.

But whether even an I.N.F. agreement can be reached is far from certain at this point. Among other things, the United States may be asking for verification procedures that will make an agreement impossible. Carlucci is said by an associate to be "slowly, slowly" trying to get some decisions made; up till now, arms control has been a continual free-for-all within the Administration. If Reagan does seem to be on his way to arms-control agreement, the pressure to "get off his back" on the Iran-Contra affair could get intense. But Nixon staged some foreign-policy spectaculars when he was in trouble, and the inquiry into his Administration's activities went on inexorably.

Reagan may, in the end, succeed in changing the subject. He might have some successes with Congress on other issues. He also might somehow escape further heavy weather on the Iran-Contra affair. His inherent resilience and fighting nature might restore him as an important force—despite the fact that he is in the last two years of his Presidency and, in effect, lost the No-

vember elections. He has seemed, of late, to have had some of the wind knocked out of him, to have lost some of his confidence—which had been an important source of his strength. The apparent (if illusory) success of his press conference, plus the conformatory applause by his staff afterward, seems to have cheered him up—at least for the moment. Reagan has bounced back before—albeit from less dire political circumstances. He will never be more intelligent than he is, and it is unrealistic to expect that, as Laxalt predicted recently, "the days of hands-off policy in connection with serious policy matters are over for Ronald Reagan." But he is better protected now than he has been for the past two years. Thus, it is possible that the Reagan Administration could coast along for the next two years—not doing wonderfully, perhaps, but not doing terribly. And then again it is also possible that, at any moment, it could get blown away.

"If a White House"—and I like this. Everybody falls over himself or herself to keep from naming the President, so they say the White House, as if the White House had done it—"can decide that a law passed by Congress is inconvenient and simply set out to circumvent it, then our constitutional system is finished."

This is not me talking. I have said that time and time again. This is Elizabeth Drew saying:

Look, if you in America have reached the point where you want to accept the Caesars, fine, but don't complain if at the same time you have undone the Constitution which is the basis of all our freedom, and nothing else.

I continue:

But Reagan and some of the people surrounding him have frequently showed a strong contempt for Congress, an attitude that may have led them to a contempt of Congress. Of late I have heard very calm and sensible people who know a lot about the Iran-Contra issue talk about the possibility of Reagan's "forced retirement." Such are the problems with Reagan himself that his handlers, including his wife, make it obvious that they are most reluctant to let him out on his own and say anything that has not been carefully scripted.

Then she discusses the devices, which obviously the President thinks are very cute, feigning deafness so as not to answer inquiring reporters' questions. She points out in great detail the inconsistencies, the obvious fact that even publicly, as I have alleged in my resolution, the President had admitted to violations of the law.

There are quotations from her article that this in itself gets back to Reagan's incompetence in governing.

The Tower Commission report shows that Reagan wanted to keep the arms for hostages plan going when even some of its proponents wanted to shut it down.

The President, though, it should not be surprising to any one of us, any who have studied diligently his role over the course of more than 30 years should not be surprised, since the reason why as in the case of Mr. Nixon, I make it a point to try to study the record.

I think the only thing I hold my fellow citizens responsible for; that is, the non-office-holders, the electorate, in an educated electorate, is to judge candidates on the basis of whatever record the candidate may have.

Now, naturally, where candidates present themselves and have no record of holding power, you cannot expect the people to be the wisest on all occasions. They do what you and I do and what you and I did when we were just plain ordinary manila citizens; but when a man has a record, I do not care what kind of record, of holding some kind of power, a school board member, some offices that people consider inconsequential, but which represent power, and see what he did or she did when they had that power; not what they promised, not what they say they would like to do, but what did they do when they had power? That is the best thing.

What did Mr. Reagan say in 1977, belatedly attempting to defend the late President Nixon? I am going to quote his words:

When the Commander in Chief of a nation finds it necessary to order employees of the government or agencies of the government to do things that would technically break the law, he has to be able to declare it legal for them to do that.

That is Ronald Reagan, 1977.

Now, that is all fine. Let us say that even if we were to attribute it to the basest of possible motives, partisan politics, I want the record to show that when a neighbor and a fellow Texan was President, Lyndon Johnson, I took this floor the same way. The only difference was there was no TV coverage and there were not too many people paying attention to lonely figures. At that time most of my colleagues who wanted to have in print in the RECORD something would just merely submit it in writing and under the rules it was possible to do that without having to come on the floor to speak it, but I always felt that if I were going to summon forth this great privilege, I consider this the greatest privilege a Member of a numerous body, such as the U.S. House of Representatives could possibly have, because all we have is one voice, one vote, so that when you have 435 Members, you cannot extend yourself as say we could in the State senate with 31 members. Therefore, these special orders give us a chance not only to get on the record, but to enlarge on points that agitate our minds, that impel us to speak in more detail and with a fuller sense of knowledge and understanding; so that I did.

The very first week after I was sworn into this great body, I used special orders and I have ever since. The reason was that I not only wanted it to be on the record, it was the best way I had to communicate with those colleagues who would be reading the RECORD.

Now, during the Presidency of Lyndon Johnson, I supported enthusiastically and more than 100 percent his domestic programs. Why not?

Here I had been on the city council. I had made suggestions that years later would be called part of the war against poverty. I was ridiculed, criticized by the local officials.

Noting in 1953 that San Antonio had one of the highest rates of illiteracy, adult illiteracy, I proposed that with the good faith and credit of the city of San Antonio that we join together with the San Antonio independent school district, and then if that worked, with the remaining school districts in the city, and work out a use of these idle plants known as our schools, because in our community there is one institution that you can find in every single locale or community or area or region in the city, and that is a public school.

The idea was that we would have evening classes. San Antonio had become the attractive place of retirement for hundreds of highly prepared competent leaders in the service, in the armed services, in the civil service of our Government, and I said why not use that reservoir of talent, summon them forth, bring them in as teachers and then provide those evening classes in the poorest districts, in any district where the incidence of illiteracy is so high.

I was denounced. The president of the school board said I was trying to mix the school district in politics. If there was any more politically influenced school board, I cannot think of any; but I was laughed at.

Then I conceived of the youth who were not in school. I thought and proposed what later in the war against poverty we had in the Job Corps where we had our pushouts, I would not call them dropouts. Our system pushes out a lot of our young, and that is a loss to our country.

□ 1340

So I proposed again through the full faith and credit of the city, with minimal allocation of funds, that we invite private enterprise and that we embark on a course of public employment for the youth and training at the same time and reschooling. After all, manpower retraining is just another form of education.

Well, I went to the State senate, and I introduced what I called the Texas Youth Conservation Commission, and there I proposed that we have the great State of Texas and its full faith and credit, which it then boasted mightily, and using the State park system, one of the most beautiful in

the country—but which was starved to death.

When I went to the senate in 1957, the State of Texas was allocating $250,000 for the maintenance of all of its State park services. In the city of San Antonio, where I had been a city councilman, and one of the strongest advocates for a park system, and had pushed through increases in budgetary allocations, the city of San Antonio alone was allocating over $2 million for the maintenance and upkeep of its city park system, and here is the State of Texas, $250,000.

So I had the powerful chairman of the Finance Committee look down his nose at me and say, "What are you talking about? Get out of that dream world. Who's going to pay for all of this?" I could not get a hearing.

So then I came to the Congress, and that was the big difference, and had been the big difference until about 12 years ago, when we got the so-called reform here in this body, which has led to what I consider to be the erosion of institutional integrity in the legislative processes. But before that, when I got here, it was a privilege to find out that there were Senators—Hubert Humphery had S. 1, and that was the National Youth Conservation Commission. I went over and got his permission to introduce it in the House, and I did so, the first House Member to do that.

I had the great honor, 2 years later, in the Economic Opportunity Act of 1964, together with Mr. Humphrey, to make that one title of that war against poverty.

So, naturally, a President who was as much for education as Lyndon Johnson did not have to call me for my vote—I was volunteering to give it. But the troubling thing was Vietnam. What do you do there, that agonizing period of the sixties?

I did not want to join the strident forces that did not come until after a few years, but I was the first and only one to raise the issue of the unconstitutionality of a President impressing and conscripting an unwilling American and sending him outside of the continental United States into an undeclared war.

Why did I say that? Because that was the integral provision that was placed in the first peacetime draft, and in fact it was not until that proviso was put in that they finally got the vote to pass it in peacetime.

What did it say? It said, "Mr. President, you're not going to ship out an unwilling American, you're not going to draft him and send him outside of the continental United States into a Presidential or an undeclared or a twilight war." But then came World War II. The proviso in that Draft Act said unless a declaration of war or expressly provided so by the Congress.

The Congress never did; it was all by indirection. So that here in the midst of this big crisis in Southeast Asia I raised that issue. Nobody paid any attention, but it is in the RECORD, when I got up, what I said. It is not what I am saying now in retrospect.

So I rise again under similar circumstances, though during the height of the Vietnam conflict, as will be the case soon with Central America, what was the choice that you were reduced to? Nobody was willing to debate the issue on the House floor. The issue was debated inferentially on somebody questioning the appropriation for defense.

You could not make a forum on the propriety or impropriety of the war in Vietnam on a defense appropriation or authorization, and yet this was about all that was done. In 1967 we had the discussion on the first 4-year extension of the Draft Act. I got up on the House floor, made remarks, offered an amendment. I could not get the necessary number to stand up and get a vote.

But 4 years later, in 1971, when it was up again for extension, I made the same speech, entered the same amendment, and I got 151 votes, meaning then that the question was beginning to be perceived. As I pointed out time and time again, no country in the history of the world had done what we did. Even the Romans did not conscript slaves to go fight their wars. The British empire at the height of its glory never impressed a cockney worker on the streets in Manchester or wherever and sent him to India. They had the professional soldier. France in Vietnam never did send one conscript, because French law prohibited it, so they used mercenaries and pros, they had the Foreign Legion. Those were the ones who were fighting at Dien Bien Phu when the French surrendered. They did not have conscripts; they did not have draftees. They would have had the dissidence, the divisiveness that we suffered, the great toll and price.

It still is, and the question has not been confronted, any more now than it was then. And if not here, then where?

I think that the people have every right to say, "Well, if our leaders won't lead, then we've got to push." But do we wait for that? When the push comes, it tends to be disorderly, it tends to be passionate and divisive, and it becomes the prelude to civil strife. We do not want that. America does not need it, and America deserves better.

But certainly the course that the President has selected in Central America is inexorable. It is unchangeable. And what is the cost of this? Look at the mess that he is in now. Why? Because of this obsession with insisting on using military solutions to those problems that are not inherently or ever will be solved militarily, not even if we were to use every available manpower of this Nation, drafted and otherwise. We do not have the manpower, nor should we.

It is foolish. This President has never once opted for a diplomatic approach.

The first time that I spoke on this, even though I was an observer chosen by the Organization of American States, on July 1, 1966, to oversee and observe the Dominican elections, in Santo Domingo, I never considered myself an expert, and did not get up and speak. I do not belong to the Committee on Foreign Affairs, so I do not second-guess my colleagues who do.

□ 1250

But it was obvious in September 1979 after I had a visit of constituents who were down there, both in Nicaragua and El Salvador, that we were headed for trouble. Our President, then it was not Ronald Reagan—who accuses me of being partisan? I waited 6 months, and not having had any more success in reaching those levels of authority than have been had with this President, in fact Ronald Reagan I might say, by way of parenthesis, is the first of six Presidents that does not acknowledge a Congressman's letter. At least Nixon did. But in any event, I then felt compelled on April 1, 1980—Mr. Jimmy Carter was the President—to make the first address on the floor on the subject of Latin America. And I pointed out, and I implored him, I implored the President, please, please, you have very limited time. I do not think you will have more than 90 days, Mr. President. Do not go down the primrose path of military observers or military advisers. Use you moral suasive power. The United States still has a residue of that with our nations that share and will share the future and the destiny with us in this new world. Go through them. Do it collectively. Eisenhower did in 1957. You had conflict between Nicaragua and Honduras.

There has been a traditional conflict there, a border question. Alexander Haig and President Reagan, and mostly guided by what I consider to be a malevolence, even though she is a female, Jeane Kirkpatrick, thinking they could feed on these ancient animosities and divide and conquer. Well, that day is gone. Maybe Calvin Coolidge could do it in 1929, but nothing is going to do it in the 1980's. Those days are gone forever. The masses down there, now 80 or 85 million more of them than we have total population here, are not going to continue to take the subjugation, the tyranny, the despotism, some of which we have been responsible for and imposed on them. Not any more, that is gone.

If the Pope had made the visit to Chile 30 years ago, 10 years ago, 15 or even 20 years ago, it would have been unthinkable he would have confronted what he did this last week. That world has changed forever.

And so I got up on April 1, 1980, and said, please, Mr. President, use this, use our wit and will, summon forth upon competent officials. Why have a State Department? We can win.

In 1957 what happened? It looked like there was going to be a war between Nicaragua and Honduras. The same countries almost except one that today we call the Contadora countries, called upon the United States and said, join us, let us mediate this, and we did. Eisenhower sent the Secretary of State, and what happened? Did they resent us? No; they made us the leader. And what did we do? We went to the World Court and resolved the problem. And it stayed resolved until we introduced Argentine troops in 1981 on the request of Alexander Haig to try to do what? Destabilize the Sandinista junta at that time.

So it did not do any good in 1980 by the time that those 90 days were up, and in fact, to be exact, 123 days later the events got out of hand. Just last week you had the violence erupting in El Salvador where we had been told for about a year or two that everything was under control, we have got the man we imposed, we are taking care of everything. But again, foolishly, by also aiding and abetting the extermination, wholesale, of these impoverished people up in the mountain provinces, with our attack Huey helicopters, doing no different than what we are accusing the Russians of doing in Afghanistan. Where is the moral difference? In fact, we use meaner attack helicopters hovering over innocent peasants, men, women, grandfathers, 6-month-old children. These are not Marixst-Leninist. These are not part of the rebels.

The rebels, if they had been done away with as we were told up to last week, 100 men would not have been able to successfully attack the biggest army camp in El Salvador. And by the way, leading to the death, unhappily, of one of our American advisers.

But who remembers the five American nuns that were slaughtered? Who remembers the Archbishop Romero? Who killed him? The very people that are going to knock out Mr. Duarte pretty soon.

What are we going to do then? Invade Salvador? What about Guatemala? When that blows up, what are we going to do, send our troops into Guatemala?

Where is the other cause showing up? Well, for the first time the Soviet leader, Gorbachev, is coming to pay a visit to Latin America. He is coming to Mexico and then he is going down. That is the first time. Why? Well, maybe it is because it is obvious even to the Russian geopoliticians that Ronald Reagan's actions or so-called policy, which I will not dignify by calling it that, is bankrupt and counterproductive to the United States, and very unfavorable. Gorbachev is being invited; he is not intruding.

I will place in the RECORD at this point an article on page 16 of the Christian Science Monitor for Monday, March 30, 1987, by Carl J. Migdail entitled "Gorbachev: He Sees Opportunity in Latin America."

The article referred to follows:

[From the Christian Science Monitor, Mar. 30, 1987]

GORBACHEV: HE SEES OPPORTUNITY IN LATIN AMERICA

(By Carl J. Migdail)

Mikhail Gorbachev's decision to tour Latin America later this year should worry the United States. It means that the Politburo realizes that a major change to the advantage of the Soviet Union has taken place in US relations with its neighbors in this hemisphere.

Yet US officials shrug off the importance of the Gorbachev trip. There is little recognition among Washington policymakers that since 1959, when Fidel Castro came to power in Cuba, US influence in Latin America has declined steadily.

If there were not clear prospects for vast gains to be made in Latin America, Communist Party General Secretary Gorbachev, now locked in a modernization struggle with his entrenched party bureaucracy, would not be willing to risk leaving his homeland and venture into what was once the acknowledged sphere of influence of the US.

A senior Soviet expert in Latin American affairs once told me that analysts at the foreign office in Moscow frequently concluded that Washington's policies toward Latin America contradicted US interests in the region. He and other Soviet specialists in Latin America tried for years, unsuccessfully until now, to convince their bosses in the Politburo that US failures in Latin America opened wide the possibility for Moscow to gain influence.

General Secretary Leonid Brezhnev visited Cuba in 1974. But that was a special case. Cuba was already a dedicated member of the Communist bloc and there was no risk to Soviet prestige in a trip to Havana by the head of the Soviet Communist Party. The Gorbachev swing through mainland Latin America is, however, very different. The Soviet leader is due to visit Mexico, Brazil, and Argentina—none an ally of Moscow.

Castro's victory in Cuba was a strategic defeat for the US. Through Cuba, the USSR pierced the security barrier around the home waters of the US. Way back in the first half of the 19th century, US policymakers had recognized that Cuba in the hands of a strong enemy could become a major danger to the US. While weak Spain owned Cuba, the US felt safe.

But when Castro declared himself a communist, and negotiated an alliance with the USSR, Washington proved unable to neutralize the challenge to its security. Latin America's leaders are very aware that in the long confrontation with the superpower US, it was tiny Cuba, backed by the Soviet Union, that won.

At the end of the 1960s, the US made the disastrous error of misinterpreting the results of the Alliance for Progress, the massive, cooperative hemispheric effort to bring development to Latin America. Then national security adviser Henry Kissinger, with little experience in Latin American affairs, decided that "the Alliance for Progress dramatizes the inability of the US to act as an international social engineer." But despite its failure, the Alliance had, however, proven convincingly the ability of the United States to act as an international social engineer.

Misreading the results of its own policies, the US adopted an approach toward Latin America during the 1970s of no more grandiose slogans and no more big multilateral projects. The US, deliberately, tried to pull back from its deep, traditional involvement in Latin America at a time when the region's presidents were searching for continued US leadership and even more cooperation.

When Latin America plunged into the ongoing crisis of huge foreign debts, political will was lacking in Washington, and still is today, to look for a hemispheric solution to the problem.

US policymakers in 1982 did not understand the consequences for its Western hemisphere policy of the decision during the Falklands war to side with Britain against Argentina, instead of continuing to remain neutral. But Latin America has not forgotten nor forgiven. The US decision to back Britain is still regarded in Latin America as betrayal.

Washington's reapplication of failed invasion tactics used against Castro's Cuba to try now to overthrow Nicaragua's Sandinista government has finally converted Latin America into a fertile region for a visit by the foremost leader of the USSR.

Most leaders of Latin America oppose Sandinista efforts to construct a Marxist dictatorship in Nicaragua, but they cannot support a US military intervention, either with US troops or "covertly," through support for contras to overthrow an existing government. Still resented in Latin America are US military interventions in Mexico and Central America during the first half of this century which brushed aside the sovereignty and independence of smaller countries.

Differences between the US and the larger countries of Latin America over how to cope with the challenge of Sandinista Nicaragua—and the conviction that the US-backed contras will continue to fail to overthrow the Nicaraguan government—have led eight governments of the region to a concerted effort to work out an accommodation with Managua on terms unacceptable to Washington.

But even more ominous for future US-Latin American relations, and more attractive for Gorbachev, is the recently announced determination of the eight, "within the context of growing Latin American unity", to stimulate cooperative development in consultation "with groups of countries within and outside the region." The intent clearly is a move politically, and where possible economically, away from the US.

The options for the US now in its policies toward Latin America are remarkably clear: Washington can either recognize that US interests should be defended by rebuilding traditional alliances in Latin America, or it can continue to push ahead aggressively on its own, risking new failures and making the region even more susceptible to Soviet influence.

(Carl J. Migdail is a former Latin American correspondent for US News & World Report.)

This is what I was talking about on April 1, 1980; the very thing that our President says he wants to stop is the very thing that he is foisting on us. He, more than any other force, is bringing about whatever it is you want to attribute to success to so-called Communist or Marxist-Leninist. And the reason is that if we compel a desperate people, who have bled and fought in a revolutionary struggle, indigenous civil war, not imposed by Castro or anybody else, and the President's attitude toward this Government of Nicaragua has been not one of approach through our Ambassador, because we have an Ambassador. While the President announced on May 1 or thereabouts, 1985. an embargo on Nicaragua, he has a full-time, full-fledged Ambassador with credentials saying that we recognize that regime as a legitimate regime. But in the meanwhile, the President is saying that is the biggest danger we have to our national interests. He had to say this in order to trigger off that part of the Espionage Act of 1917. And before he could impose an embargo he has to tell us that Nicaragua poses a clear, present and immediate danger to our interests and our safety, our security.

How many newspapers reported it that way, because these are the technicalities Mr. Reagan talks about. And the fact is that they are counterproductive to the national interests of our country. It is not fair to our people to make us be those convicted in a tribunal of justice in the World Court as guilty of state terrorism against Nicaragua. We have been charged and found guilty.

And what was the President's reaction to that? We walked out of the World Court which we had helped create to begin with, the one to which in 1957 Mr. Eisenhower did not mind going as the leader of this group of nations that brought about a peaceful solution.

So I think that the tragedy there is reflected in these two articles, and for that reason I asked that they be placed in the RECORD, because I believe that with calmness and in retrospect my colleagues will have a chance to see this in the RECORD and read it for themselves and conclude for themselves. I know that when the headlines hit, and I predict it will not be long, we will all be saying, well, we have got to support the President in this great hour of need. We cannot allow our men to be killed over there.

□ 1300

Then that will be the ruling passion of the moment and the die will have been cast. For generations to come, we will compel our children, grandchildren, and great grandchildren, rather than living in an environment of neighborliness, cooperation, and even economic advancement for our own country, we will be living in a reconstructed old world, an old European world filled with hatreds, ancient of origin, having led to the bloodiest wars in mankind's history, to the great detriment and the best interests of all of those peoples.

As has been predicted by the great historian, Arnold Toynbee, the reason why, in due course of time, the West will be superseded by the East, he gives these long-range projections based on these long, long dissertations of history.

I think that is not right for America. The American people are greater. They deserve better, and they ought to, but they have the choice. They elect us.

The question is, will we have the fortitude and the moral courage that the decision to uphold the clear delegated and sworn oath of office to uphold the Constitution against all foreign and domestic enemies? I hope that soon, not too much later, there will be some serious oversight of this resolution.

I have offered it because I feel it is absolutely imperative that the Congress exercise its constitutional duties, no matter how distasteful, no matter how politically dangerous it might be. After all, unless we are willing to worship these offices and proscribe ourselves and genuflect before them and be willing to pay the price of compromise of integrity just to hold the office, then that is something else.

I think that if we sit and let the Constitution be suspended, we will follow, as one article I placed in the RECORD last Thursday, quoted in a Brazilian journal, that then the United States will have a Constitution like so many other countries where it is best known because it is most ignored.

## LEGISLATION TO COUNTER SOVIET ELECTRONIC SURVEILLANCE OF UNITED STATES EMBASSY IN MOSCOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BROOMFIELD] is recognized for 5 minutes.

Mr. BROOMFIELD. Madam Speaker, Soviet espionage efforts directed at the United States Embassy in Moscow have caused catastrophic damage to our ability to carry out effective diplomatic activities from this facility. Soviet clandestine electronic spying from Soviet diplomatic premises in the United States have always constituted a substantial threat to United States security. However, the most recent revelations from the State Department, our intelligence community, the Marine Corps, and our Moscow Embassy indicate that the Soviet KGB has made unprecedented efforts to compromise the integrity of our diplomatic mission in the Soviet Union. It is clear from the review of problems already identified at the U.S. Embassy in Moscow, and other embassy facilities elsewhere, that we are facing a security, diplomatic, and intelligence disaster that is unparalleled in recent history.

During the last two administrations there have been numerous studies of the increased Soviet espionage threat and a lack of sound security practices. Recommendations resulting from these studies have yet to be fully embraced. The bureaucratic tendency to resist change and improvement in this critical area has been appalling. Recommendations to improve physical and technical security have been buried in the bureaucratic maze of the State Department to languish in obscurity. We are now paying the price of our apathetic response to the immediate security threat.

For this reason, I have today introduced legislation to counter the Soviet electronic surveillance of the United States Embassy in Moscow and to reverse the unsettling and flippant attitude of the bureaucracy to the threat of the Soviet espionage to our United States Embassy in Moscow. My legislation directs the Secretary of State to notify the Soviet Union, within 5 days of enactment, of the United States withdrawal from the relevant portions of the agreement between the Government of the United States and the Government of the Soviet Union, the Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington signed in Moscow May 16, 1969, and other relevant agreements thereto. The effect of my legislation is to wipe the slate clean, to start anew and ensure the United States and Soviet facilities and the respective countries is based on a fair sense of reciprocity.

If Gorbachev is truly committed to the concept of glasnost then he should welcome an opportunity to demonstrate his commitment in a tangible manner.

I ask my colleagues to join me in sponsoring this resolution in the hope that we can add this important legislation to the State Department authorization bill when it comes before the House in the days ahead.

## APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MERCHANT MARINE ACADEMY

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

COMMITTEE ON
MERCHANT MARINE AND FISHERIES,
*Washington, DC, April 3, 1987.*

Hon. JIM WRIGHT,
*Speaker of the House, House of Representatives, H-209, The Capitol, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to Public Law 453 of the 96th Congress, as amended, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as Members of the Board of Visitors to the United States Merchant Marine Academy for the year 1987:

The Honorable Mario Biaggi of New York.

The Honorable Roy Dyson of Maryland.

The Honorable Norman F. Lent of New York.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

With warmest personal regards, I am,

Sincerely,

WALTER B. JONES,
*Chairman.*

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BROOMFIELD, for 5 minutes today.

(The following Member (at the request of Mrs. SAIKI) to revise and extend their remarks and include extraneous material:)

Mr. LUNGREN, for 60 minutes, on April 7, 8, and 9.

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FRANK, for 60 minutes, today.

Mr. PENNY, for 60 minutes, today.

Mr. JONTZ, for 10 minutes, on April 8.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SAIKI) and to include extraneous matter:)

Mr. YOUNG of Alaska.

Mr. JEFFORDS in three instances.

Mr. KEMP.

Mr. BATEMAN.

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. MARKEY.

Mr. LELAND.

Mr. LAFALCE.

Mr. GUARINI.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. DE LA GARZA in 10 instances.

Mr. TORRICELLI.

Mrs. SCHROEDER.

Mr. BENNETT.

Mr. LOWRY of Washington.

Mr. FLORIO.

## ADJOURNMENT

Mr. GONZALEZ. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 7, 1987, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1088. A communication from the President of the United States, transmitting amendments to the request for appropriations for fiscal years 1988 through 1992 for the Department of Agriculture, the Department of Energy, and the Environmental Protection Agency, pursuant to 31 U.S.C. 1107 (H. Doc. No. 100-59); to the Committee on Appropriations and ordered to be printed.

1089. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a copy of the supplemental contract award report for the period May 1, 1987 to June 30, 1987, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

1090. A communication from the President of the United States, transmitting a report of his determination that, including his request for a $100 million decrease in direct lending authority, the authority available to the Export-Import Bank for fiscal year 1987 is sufficient for direct loans, pursuant to 12 U.S.C. 635e(a)(2)(A)(ii) (97 Stat. 1257) (July 31, 1945, chapter 341, section 7(a)(2)(A)(ii); to the Committee on Banking, Finance and Urban Affairs.

1091. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's 1986 annual report, including the activities of the central liquidity facility, pursuant to 12 U.S.C. 1752a(d); 12 U.S.C. 1795i; to the Committee on Banking, Finance and Urban Affairs.

1092. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-6, "D.C. Statehood Constitutional Convention Initiative of 1979 Temporary Amendment Act of 1987," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1093. A letter from the Chairman, President's Cancer Panel, transmitting a copy of the panel's 1986 annual report to the President, pursuant to 42 U.S.C. 285a-4(b); to the Committee on Energy and Commerce.

1094. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report that on March 31, 1987, a guerrilla unit launched a surprise attack on the El Salvadoran Fourth Brigade Headquarters at El Paraiso, Chalatenango Department, El Salvador, pursuant to 22 U.S.C. 2761(c)(2); to the Committee on Foreign Affairs.

1095. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of the Department of Army's proposed lease of defense articles to Norway (Transmittal No. 3-87), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

1096. A letter from the Administrator, Agency for International Development, transmitting a report on tropical forestry, pursuant to Public Law 99-529, section 301(f); to the Committee on Foreign Affairs.

1097. A letter from the FOIA Director, Federal Home Loan Mortgage Corporation, transmitting the Board's annual report of its activities for calendar year 1986 under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1098. A letter from the Director, Bureau of Justice Statistics, Department of Justice, transmitting a report on the activities of the Bureau of Justice Statistics during fiscal year 1986, pursuant to 42 U.S.C. 3789e; to the Committee on the Judiciary.

1099. A letter from the Secretary, The Foundation of the Federal Bar Association, transmitting a copy of the foundation's audit report for the fiscal year ending September 30, 1986, pursuant to 36 U.S.C. 1101(22), 1103; to the Committee on the Judiciary.

1100. A letter from the Director, Office of Environmental Quality, transmitting a draft of proposed legislation to authorize appropriations for the Office of Environmental Quality for fiscal years, 1988 and 1989, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

1101. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to amend section 123 of the River and Harbor Act of 1970 to clarify the authority of the Secretary of the Army to continue to fill confined disposal facilities, and for other purposes; to the Committee on Public Works and Transportation.

1102. A letter from the Administrator of Veterans' Affairs, Veterans' Administration, transmitting a report of cases recommended for equitable relief, pursuant to 38 U.S.C. 210(c)(3)(B); to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 1728. A bill to amend the National School Lunch Act to provide for limited extension of alternative means of providing assistance under the school lunch program (Rept. 100-37). Referred to the Committee of the Whole House on the State of the Union.

Mr. LAFALCE: Committee on Small Business. H.R. 1854. A bill to amend the Small Business Act, and for other purposes; with an amendment (Rept. 100-38). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1290. A bill to counter unfair ocean trans-

portation practices, and for other purposes; with an amendment (Rept. 100-39). Referred to the Committee of the Whole House on the State of the Union.

*[Pursuant to the order of the House on April 2, 1987, the following reports were filed on April 6, 1987]*

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3. A Bill to enhance the competitiveness of American industry, and for other purposes; with amendments (Rept. 100-40, Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3. A bill to enhance the competitiveness of American industry, and for other purposes; with amendments (Rept. 100-40, Pt. 2). Ordered to be printed.

Mr. BONKER: Committee on Foreign Affairs. H.R. 3. A bill to enhance the competitiveness of American industry, and for other purposes; with an amendment (Rept. 100-40, Pt. 3). Ordered to be printed.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 3. A bill to enhance the competitiveness of American industry, and for other purposes; with amendments (Rept. 100-40, Pt. 4). Ordered to be printed.

Mr. HAWKINS: Committee on Education and Labor. H.R. 3. A bill to enhance the competitiveness of American industry, and for other purposes; with amendments (Rept. 100-40, Pt 5). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ATKINS (for himself, Mr. LOWRY of Washington, Mr. PENNY, Mr. MOAKLEY, Mr. SABO, Mr. GEJDENSON, Mr. GUNDERSON, and Mr. VENTO):

H.R. 1940. A bill to facilitate the resettlement of Indochinese refugees and to provide for the protection of Indochinese refugees along the border of Thailand from cross-border attacks, and for other purposes; jointly, to the Committees on the Judiciary, and Foreign Affairs.

By Mr. TAUZIN (for himself, Mr. BRYANT, Mr. BRUCE, Mr. SYNAR, Mr. LELAND, Mr. SLATTERY, Mr. RICHARDSON, Mr. COATS, Mr. HALL of Texas, Mr. DOWDY of Mississippi, Mrs. BOGGS, Mr. HAYES of Louisiana, Mr. HOLLOWAY, Mr. WILSON, Mr. COLEMAN of Texas, Mr. PETRI, Mr. MCCURDY, Mr. MONTGOMERY, Mr. CHAPMAN, Mr. BUSTAMANTE, Mr. MACKAY, Mr. ECKART, Mr. ARMEY, Mr. INHOFE, Mr. WATKINS, Mr. WEBER, Mr. LIVINGSTON, and Mr. ROEMER):

H.R. 1941. A bill to repeal and amend certain sections of the Powerplant and Industrial Fuel Use Act of 1978; to the Committee on Energy and Commerce.

By Mr. ROYBAL:

H.R. 1942. A bill to amend the Employee Retirement Income Security Act of 1974 to prohibit reversions to employers of residual assets upon termination of single-employer pension plans and to provide for the applicability of rules relating to fiduciary duties in relation to plan terminations; to the Committee on Education and Labor.

By Mr. DORNAN of California:

H.R. 1943. A bill to establish a program of block grants to the States for the purpose of providing to the public information with respect to acquired immune deficiency syndrome; to the Committee on Energy and Commerce.

H.R. 1944. A bill to require an annual report on the strategic defense initiative program, and for other purposes; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. DOWNEY of New York:

H.R. 1945. A bill to amend title XVIII of the Social Security Act to eliminate discrimination with regard to mental illness under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. FAUNTROY:

H.R. 1946. A bill to assist in reducing crime and the danger of recidivism in the District of Columbia by requiring speedy trials in criminal cases in the District of Columbia courts, and for other purposes; to the Committee on the District of Columbia.

By Mr. FORD of Michigan by request:

H.R. 1947. A bill to amend title 5, United States Code, to provide enhanced retirement credit for United States magistrates; to the Committee on Post Office and Civil Service.

By Mr. GARCIA:

H.R. 1948. A bill to designate the U.S. Post Office Building located at 153 East 110th Street in New York, NY, as the "Oscar Garcia Rivera Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. JEFFORDS:

H.R. 1949. A bill to amend the Education Consolidation and Improvement Act of 1981, and for other purposes; to the Committee on Education and Labor.

By Mr. EDWARDS of California (for himself, Mr. ACKERMAN, Mr. BATES, Mr. BERMAN, Mr. BRYANT, Mr. CLAY, Mrs. COLLINS, Mr. GEPHARDT, Mr. GRAY of Illinois, Mr. HAWKINS, Mr. LELAND, Ms. OAKAR, Mr. OBERSTAR, Mrs. SCHROEDER, Mr. SWIFT, Mr. VENTO, and Mr. WEISS):

H.R. 1950. A bill to amend title 18, United States Code, to require that telephone monitoring by employers be accompanied by a regular audible warning tone; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. MOORHEAD, Mr. EDWARDS of California, and Mr. MINETA):

H.R. 1951. A bill to amend section 914 of title 17, United States Code, regarding certain protective orders for semiconductor chip products; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 1952. A bill to establish within the Department of Defense a new department, to be known as the Department of the Defense Force, to defend the United States against all aerial threats, including ballistic missiles, and for other purposes; to the Committee on Armed Services.

By Mr. KONNYU (for himself, Mr. PORTER, and Mr. LANTOS):

H.R. 1953. A bill to deny certain trade benefits to Romania unless that country recognizes and protects the fundamental human rights and freedoms of all citizens of that country, particularly Hungarian speaking and other ethnic minorities, and for other purposes; to the Committee on Ways and Means.

By Mr. LELAND:

H.R. 1954. A bill to amend title 39, United States Code, to provide that the U.S. Postal Service shall be subject to certain provisions of the Occupational Safety and Health Act of 1970; to the Committee on Post Office and Civil Service.

By Mr. LENT (for himself, Mr. SWINDALL and Mr. LATTA):

H.R. 1955. A bill to improve the system for resolving medical professional liability actions, to refine the method of determining and awarding damages in such actions, to eliminate the excessive costs associated with the present liability resolution system and thereby reduce overall health care costs, to provide for prompt and equitable payment of valid professional liability claims, to support and strengthen State efforts in the area of professional competency review and discipline, and to maintain the availability of quality health care services in the United States; to the Committee on Energy and Commerce.

By Mr. LOWRY of Washington (for himself and Mr. MILLER of Washington):

H.R. 1956. A bill to amend the definition of "vessel of the United States" in the Magnuson Fishery Conservation and Management Act; to the Committee on Merchant Marine and Fisheries.

By Mr. PICKLE (for himself, Mr. FRENZEL, Mr. DOWNEY of New York, Mr. MATSUI, Mr. DUNCAN and Mr. ARCHER):

H.R. 1957. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increases in research expenses and for basic research payments; to the Committee on Ways and Means.

By Mr. SAWYER (for himself and Mr. HAWKINS):

H.R. 1958. A bill to strengthen the economic competitiveness and national security of the United States by improving elementary and secondary school education in mathematics and science; to the Committee on Education and Labor.

By Mr. TAUKE:

H.R. 1959. A bill to amend the Internal Revenue Code of 1986 to provide that certain payments under the Conservation Reserve Program shall not be treated as self-employment income for purposes of the social security tax on such income; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.J. Res. 230. Joint resolution to counter Soviet electronic surveillance of U.S. Embassy activities in Moscow, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself, Mr. GAPHARDT, Mr. MILLER of California, Mr. WAXMAN, Mr. FLORIO, Mr. GRAY of Pennsylvania, Mr. FAZIO, Mr. MAVROULES, Mr. ATKINS, Mr. DOWNEY of New York, Mr. MRAZEK, Mr. HOCHBRUECKNER, Mr. ECKART, Mr. JEFFORDS, Miss SCHNEIDER, Mr. GEKAS, Mr. SCHEUER, Mr. WALGREN, Mr. SWIFT, Mr. LELAND, Mrs. COLLINS, Mr. SYNAR, Mr. WYDEN, Mr. SLATTERY, Mr. SIKORSKI, Mr. BATES, Mr. BOUCHER, Mr. ACKERMAN, Mr. AKAKA, Mr. AUCOIN, Mr. BERMAN, Mr. BONIOR of Michigan, Mr. BOSCO, Mrs. BOXER, Mr. BRENNAN, Mr. CAMPBELL, Mr. CARPER, Mr. CLARKE, Mr. CLAY, Mr. CONYERS, Mr. DANIEL, Mr. DEFAZIO, Mr. DELLUMS, Mr. DE LUGO, Mr. DONNELLY, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDWARDS of California, Mr. ESPY, Mr. EVANS, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FRANK, Mr. GARCIA, Mr. GILMAN, Mr. GLICKMAN, Mr. GORDON, Mr. GRAY of Illi-

nois, Mr. HAWKINS, Mr. HOWARD, Mr. HOYER, Mr. JACOBS, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LEHMAN of California, Mr. LEWIS of Georgia, Mr. LEVINE of California, Mr. LIPINSKI, Mr. LOWRY of Washington, Mr. MCKINNEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MFUME, Mr. MINETA, Mr. MOAKLEY, Mr. MOODY, Mr. MORRISON of Connecticut, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS of New York, Mr. PANETTA, Mr. RAHALL, Mr. RANGEL, Mr. SABO, Mr. SAWYER, Mrs. SCHROEDER, Mr. SCHUMER, Ms. SNOWE, Mr. SOLARZ, Mr. STARK, Mr. STUDDS, Mr. SUNIA, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. VISCLOSKY, Mr. WEISS, Mr. WOLPE, and Mr. YATES):

H. Res. 138. Resolution to express the sense of the House of Representatives that the Nuclear Regulatory Commission should preserve the role of State and local government in radiological emergency planning in the nuclear licensing process; to the Committee on Interior and Insular Affairs.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mrs. BENTLEY, Mr. FLAKE, Mr. SCHEUER, and Mr. HAYES of Louisiana.

H.R. 42: Mrs. VUCANOVICH.

H.R. 52: Mr. KANJORSKI.

H.R. 62: Mrs. BENTLEY.

H.R. 74: Mr. PARRIS and Mrs. MORELLA.

H.R. 117: Mr. YOUNG of Florida.

H.R. 118: Mr. SHAW.

H.R. 338: Mr. MCCOLLUM and Mr. INHOFE.

H.R. 339: Mr. MCCOLLUM and Mr. INHOFE.

H.R. 344: Mr. MCCOLLUM and Mr. INHOFE.

H.R. 345: Mr. INHOFE.

H.R. 379: Mr. DIOGUARDI, Mr. UPTON and Mr. SHUMWAY.

H.R. 551: Mrs. ROUKEMA and Mr. GEJDENSON.

H.R. 628: Mr. WAXMAN and Mr. RAHALL.

H.R. 631: Mr. SAXTON, Mr. HORTON, Mr. LAGOMARSINO, Mr. RINALDO, Mr. LANTOS, Mr. FISH, Mr. DONNELLY, Mr. LEWIS of Georgia, Mr. KOLTER, Mr. DYSON, Mr. BORSKI, Mr. TRAFICANT, Mr. WEISS, Mr. SHUMWAY, Mrs. MARTIN of Illinois, Mr. HATCHER, and Mr. KENNEDY.

H.R. 632: Mr. COELHO, Mr. HORTON, Mr. RIDGE, Mr. BORSKI, Mr. YOUNG of Alaska, and Mr. KOLBE.

H.R. 637: Mr. HAWKINS and Mr. GARCIA.

H.R. 738: Mr. JONTZ and Mr. VENTO.

H.R. 758: Mr. HARRIS, Mr. FUSTER, Mr. CRAIG, Mrs. BOGGS, Mr. FAUNTROY, Mr. KONNYU, and Mr. SUNIA.

H.R. 919: Mr. HUGHES.

H.R. 954: Mr. FAZIO and Ms. OAKAR.

H.R. 956: Mr. MOODY, Mr. STOKES, Mr. LANTOS, and Ms. SLAUGHTER of New York.

H.R. 972: Mr. ANDERSON, Mr. BADHAM, Mr. BATEMAN, Mr. BENNETT, Mr. BONIOR of Michigan, Mr. BUSTAMANTE, Mr. CHAPMAN, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. CONYERS, Mr. DE LUGO, Mr. DORNAN of California, Mr. DYMALLY, Mr. EMERSON, Mr. EDWARDS of Oklahoma, Mr. ESPY, Mr. FAZIO, Mr. FISH, Mr. GORDON, Mr. HATCHER, Mr. HOWARD, Mr. HUTTO, Mr. KASICH, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MCGRATH, Mr. MFUME, Mr. PARRIS, Mr. PEPPER, Mr. RAVENEL, Mr. RICHARDSON, Mr. RITTER, Mr. ROE, Mr. SABO, Mr. SAXTON, Mr. SOLARZ, Mr. SPENCE, Mr. STOKES, Mr. STUMP, Mr. SUNIA, Mr. TRAXLER, Mr. APPLEGATE, and Mr. MCMILLEN of Maryland.

H.R. 1013: Mr. SAWYER, Mr. HOWARD, Mr. LEVINE of California, Mr. CLARKE, Mr. BROOKS, Mr. GONZALEZ, and Mr. SOLARZ.

H.R. 1018: Mr. THOMAS of Georgia.

H.R. 1030: Mr. FISH and Mr. MCCOLLUM.

H.R. 1049: Ms. KAPTUR, Mr. HAYES of Illinois, Miss SCHNEIDER, Mr. WILLIAMS, Mr. PERKINS, Mr. DELLUMS, and Mr. MARKEY.

H.R. 1067: Mr. LELAND, Mr. BOLAND, Mr. SMITH of Florida, Mr. FRANK, Mr. GRAY of Illinois, Mr. WEISS, Mr. BERMAN, Mr. RODINO, Mr. ROWLAND of Georgia, Mr. BATES, Mr. SOLARZ, Mr. SIKORSKI, Mr. EVANS, Mr. GARCIA, Mr. FROST, Mr. MARKEY, Mrs. KENNELLY, Mr. KOLTER, Mr. DORGAN of North Dakota, Mr. TOWNS, Mr. ROE, Mr. FEIGHAN, Mr. BIAGGI, Mr. CARDIN, Mr. WALGREN, Mr. LEHMAN of Florida, Mr. MOAKLEY, Mr. DOWDY of Mississippi, Mr. MRAZEK, Mr. RANGEL, Mr. HOWARD, Mr. ACKERMAN, Mr. PANETTA, Mr. MCHUGH, Mr. DELLUMS, Mr. MARTINEZ, Mr. RAHALL, Mr. FORD of Tennessee, Mr. MCGRATH, Mr. MORRISON of Connecticut, Mr. ST GERMAIN, and Mr. GILMAN.

H.R. 1103: Mr. THOMAS A. LUKEN.

H.R. 1106: Mr. MATSUI, Mr. BROWN of Colorado, Mr. VOLKMER, Mr. FISH, Mr. CHANDLER, Mr. ERDREICH, Mr. SLATTERY, Mr. DONNELLY, and Mr. CONTE.

H.R. 1117: Mr. CRAIG.

H.R. 1200: Mr. JACOBS, Mr. HAMILTON, Mr. LUNGREN, Mr. SMITH of Florida, Mr. MINETA, Mr. BENNETT, Mr. LIPINSKI, Mr. MCGRATH, and Mrs. LLOYD.

H.R. 1290: Mr. BRENNAN, Mr. HAYES of Louisiana, and Mr. THOMAS of Georgia.

H.R. 1327: Mr. PEPPER.

H.R. 1371: Mr. EDWARDS of California, Mr. TRAFICANT, Mr. FAUNTROY, Mr. MORRISON of Connecticut, Mr. DEFAZIO, Mrs. BOXER, Mr. BUSTAMANTE, and Mr. BONIOR of Michigan.

H.R. 1396: Mr. INHOFE.

H.R. 1425: Mr. PERKINS, Mr. MFUME, and Mr. LEWIS of Georgia.

H.R. 1480: Mr. YOUNG of Alaska, Mr. PEPPER, Mr. HYDE, Mr. FORD of Tennessee, Mr. BIAGGI, and Mr. YATRON.

H.R. 1524: Mr. FASCELL.

H.R. 1550: Mr. BIAGGI, Mr. RIDGE, Mr. OWENS of New York, Mr. MAVROULES, Mr. FAWELL, Mr. LEVIN of Michigan, Mr. OWENS of Utah, Ms. KAPTUR, Mr. HUGHES, Mr. EDWARDS of California, Mr. BARNARD, Mr. GARCIA, Mr. GREEN, and Mr. RANGEL.

H.R. 1572: Mr. DREIER of California, Mr. DIOGUARDI, and Mr. MCEWEN.

H.R. 1609: Mr. MORRISON of Connecticut.

H.R. 1614: Mr. BADHAM and Mr. STENHOLM.

H.R. 1711: Mr. SOLARZ, Mr. VENTO, and Mr. LAGOMARSINO.

H.R. 1752: Ms. OAKAR, Mr. LAGOMARSINO, Mr. AKAKA, Mr. PEPPER, Mr. YOUNG of Florida, Mr. GARCIA, Mr. SUNIA, Mr. DE LUGO, Mr. SMITH of Florida, Mr. OXLEY, Mr. WORTLEY, Mr. FASCELL, and Mr. DE LA GARZA.

H.R. 1760: Mr. MATSUI.

H.R. 1761: Mr. MATSUI.

H.R. 1762: Mr. MATSUI.

H.R. 1766: Mr. HUGHES.

H.R. 1829: Mr. HAMILTON and Mr. SUNIA.

H.R. 1830: Mr. HAMILTON and Mr. SUNIA.

H.R. 1854: Mr. SMITH of Iowa, Mr. GONZALEZ, Mr. THOMAS A. LUKEN, Mr. MAZZOLI, Mr. MAVROULES, Mr. HATCHER, Mr. WYDEN, Mr. ECKART, Mr. SAVAGE, Mr. ROEMER, Mr. SISISKY, Mr. TORRES, Mr. COOPER, Mr. OLIN, Mr. RAY, Mr. HAYES of Illinois, Mr. CONYERS, Mr. BILBRAY, Mr. MFUME, Mr. FLAKE, Mr. LANCASTER, Mr. CAMPBELL, Mr. DEFAZIO, Mr. PRICE of North Carolina, Mr. MARTINEZ, Mr. CONTE, Mr. SLAUGHTER of Virginia, Mrs. MEYERS of Kansas, Mr. GALLO, Mr. MCMILLAN of North Carolina, Mr. MCKINNEY, Mr. RHODES, Mr. UPTON, Mr. OWENS of Utah, Mr. RIDGE, Miss SCHNEIDER, and Mrs. JOHNSON of Connecticut.

H.R. 1935: Mr. ROBERT F. SMITH and Mr. STALLINGS.

H.J. Res. 16: Mr. MCCOLLUM.

H.J. Res. 90: Mr. CLARKE, Mr. ALEXANDER, Mr. LOTT, Mr. KOLTER, Mrs. BYRON, Mr. SCHUMER, and Mr. VENTO.

H.J. Res. 100: Mr. WYLIE, Mr. SAXTON, Mr. LEVIN of Michigan, and Mr. KANJORSKI.

H.J. Res. 125: Mr. LAGOMARSINO, Mr. DONNELLY, Mr. GORDON, Mr. FOLEY, Mr. VALENTINE, Mr. DE LA GARZA, Mr. ATKINS, Mr. YATES, Mr. ASPIN, Mr. HUGHES, Mr. HATCHER, Mr. CONTE, Mr. NEAL, Mr. ANDREWS, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. DAUB, Ms. SLAUGHTER of New York, Mr. KENNEDY, Mr. SMITH of New Jersey, Mr. MINETA, Mr. COLEMAN of Missouri, Mr. MAVROULES, Mr. PEPPER, and Mr. NICHOLS.

H.J. Res. 128: Mr. LANCASTER.

H.J. Res. 151: Mr. NIELSON of Utah, Mr. MCEWEN, Mr. STRATTON, Mr. PANETTA, Mr. SHUMWAY, Mr. HUGHES, and Mr. YOUNG of Florida.

H.J. Res. 152: Mr. MCCOLLUM, Mr. GREEN, and Mr. DEWINE.

H.J. Res. 189: Mr. BILIRAKIS, Mr. BONIOR of Michigan, Mr. DEWINE, Mr. GARCIA, Mr. LEWIS of Georgia, Mr. MCMILLAN of North Carolina, Ms. OAKAR, Mr. PASHAYAN, Mr. SAXTON, Mr. SKAGGS, and Mr. SLAUGHTER of Virginia.

H.J. Res. 201: Mr. WORTLEY, Mr. HORTON, Mr. KOSTMAYER, Mr. DAUB, Mr. CHANDLER, Mr. MRAZEK, Mrs. BOXER, Mr. YOUNG of Florida, Mr. SISISKY, Mr. OBERSTAR, Mr. CONTE, Mr. DYMALLY, Mr. HAWKINS, Mr. COELHO, Mr. FAZIO, Mr. LEWIS of California, Mr. YOUNG of Alaska, Mrs. MORELLA, Mr. MOORHEAD, Mr. TORRES, Mr. LEACH of Iowa, Mrs. LLOYD, Mr. HOYER, Mr. ROWLAND of Connecticut, Mr. SYNAR, Mr. BIAGGI, Mr. MARTIN of New York, Mr. GRAY of Illinois, Mr. SOLOMON, Mr. STRATTON, Mr. VANDER JAGT, Mr. MICHEL, Mr. TORRICELLI, Mr. ROSTENKOWSKI, Mr. PASHAYAN, and Mr. CARPER.

H. Con. Res. 8: Mr. INHOFE.

H. Con. Res. 28: Mr. BILIRAKIS, Mr. LANTOS, Mr. YATRON, Mr. SMITH of New Hampshire, Mr. YOUNG of Alaska, Mr. VALENTINE, Mr. MCHUGH, and Mr. ENGLISH.

H. Con. Res. 39: Mr. ANDERSON, Mr. ANNUNZIO, Mr. BARNARD, Mr. BATEMAN, Mr. BENNETT, Mr. BONIOR of Michigan, Mr. BUSTAMANTE, Mr. CHAPMAN, Mrs. COLLINS, Mr. CONYERS, Mr. CROCKETT, Mr. DE LA GARZA, Mr. DORNAN of California, Mr. DYMALLY, Mr. EMERSON, Mr. ESPY, Mr. FASCELL, Mr. FAZIO, Mr. FISH, Mr. GORDON, Mr. GUNDERSON, Mr. HOWARD, Mr. HUTTO, Mr. KASICH, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MCGRATH, Mr. MFUME, Mr. PARRIS, Mr. PEPPER, Mr. RAVENEL, Mr. RICHARDSON, Mr. RITTER, Mr. ROE, Mr. ROGERS, Mr. SABO, Mr. SAXTON, Mr. SCHAEFER, Mr. SOLARZ, Mr. STOKES, Mr. STUMP, Mr. SUNIA, Mr. TRAXLER, Mr. VOLKMER, Mr. WALGREN, Mr. SMITH of New Hampshire, Mr. LOWERY of California, Mr. CAMPBELL, Mr. APPLEGATE, Mr. MCMILLEN of Maryland, Mr. PACKARD, Mr. INHOFE, and Mr. SPENCE.

H. Con. Res. 62: Mr. THOMAS A. LUKEN.

H. Con. Res. 63: Mr. CONTE, Mr. VALENTINE, Mr. KANJORSKI, Mr. DICKS, Mr. MACKAY, Mr. GUNDERSON, Mr. PENNY, Mr. BATES, Mrs. JOHNSON of Connecticut, Mr. FUSTER, Mr. STALLINGS, and Mr. DYMALLY.

H. Con. Res. 68: Mr. ACKERMAN, Mr. BONKER, Mrs. BOXER, Mr. DWYER of New

Jersey, Mr. LANTOS, Mr. LEVINE of California, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. MCCOLLUM, Mr. SMITH of Florida, and Mr. VENTO.

H. Con. Res. 70: Mr. DELLUMS.

H. Res. 16: Mr. RINALDO, Mr. MCKINNEY, and Mr. WORTLEY.

H. Res. 110: Mr. PERKINS, Mr. DANIEL, Mr JONES of North Carolina, Mr. HEFNER, Mr VALENTINE, and Mr. ROGERS.

# SENATE—*Monday, April 6, 1987*

*(Legislative day of Monday, March 30, 1987)*

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the Honorable RICHARD SHELBY, a Senator from the State of Alabama.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*Lord, who shall abide in Thy tabernacle? Who shall dwell in Thy holy hill? He that walketh uprightly, and worketh righteousness, and speaketh the truth in his heart. He that backbiteth not with his tongue, nor doeth evil to his neighbor, nor taketh up a reproach against his neighbor. In whose eyes a vile person is condemned; but he honoreth them that fear the Lord. He that sweareth to his own hurt, and changeth not. He that putteth not out his money to usury, nor taketh reward against the innocent. He that doeth these things shall never be moved.*—Psalms 15:1-5.

Worthy art Thou, O Lord, to receive honor and glory and majesty. Worthy art Thou to be worshipped and adored, loved, feared, and served, We give Thee our hearts, think Thy thoughts in us and lead us in Thy ways. For Thine is the kingdom and the power and the glory. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STENNIS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 6, 1987.*

*To the Senate:*

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.

JOHN C. STENNIS,
*President pro tempore.*

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized for not to exceed 10 minutes.

Mr. BYRD. Mr. President, I thank the Chair.

## THE SECURITY APPARATUS OF THE UNITED STATES

Mr. BYRD. Mr. President, the mounting series of scandalous revelations concerning the integrity of our security system, our security apparatus, including our Embassies, particularly the most sensitive post we maintain in the world—in Moscow—demands our full and renewed attention. Something is very wrong with this system.

How many more security breaches are we going to find? How many more so-called secure communications chambers will we find have been compromised? How deep and how wide do the problems range? The impact of such compromises of intelligence information, which amounts to treasonous behavior, on our weapons programs, such as the ability of our submarines to operate effectively, is not trivial. The impact of this behavior on the morale of our young men in the Armed Forces is unknown—but it cannot be positive. The impact on our ability to recruit agents, to evaluate intelligence, to protect our intelligence methods is cause for concern.

Mr. President, we started construction of a new Embassy in Moscow 10 years ago. The administration has asked the distinguished former Secretary of Defense and Director of the CIA, Dr. James Schlesinger, to head an inquiry to determine whether the construction is so compromised that, perhaps, we ought to bulldoze what has gone up so far and start all over.

The Moscow Embassy fiasco is a textbook case in incompetence. A report by the staff of the Senate Foreign Relations Committee, of October 20, 1986, highlights the problem. The report concludes that the Department of State waited far too long to address the "overall construction and security problems in Moscow." The bureaucracy was involved in a classic pass-the-buck syndrome when problems arose, and this was encouraged by "lack of strong management by senior officials" during the "planning and execution of various phases of the project."

Of particular note, according to the committee report, many of the contractor personnel who were involved in the construction of our Embassy in Moscow arrived in Moscow without security clearances. Who were these people? "Lax security standards," continued the committee report, "allowed the American architects to employ a Soviet national, a structural engineer who was residing in the United States, to work on the U.S. Embassy design for approximately 5 months. The Soviet engineer completed his work on the design and returned immediately to the Soviet Union. Several attempts have been made to contact this person in regard to the project and, according to the Department of State, Soviet officials have said that he has died of a heart attack.

The fact is that the terms agreed to by the U.S. Government on the construction requirements of our Embassy in Moscow seemed to have guaranteed subsequent problems. The construction agreement apparently permitted a Soviet company to fabricate our Embassy's "building components off site without any U.S. supervision," according to the Foreign Relations Committee report. How, one might ask, could one expect anything except security compromises under such circumstances in such a city, in such a country? Let us hope that the Schlesinger report will point us quickly in the right direction.

I am told that we are planning new Embassies over the next 2 years in six Communist-bloc nations, including East Germany, Hungary, Bulgaria, Czechoslovakia, Yugoslavia, and the People's Republic of China. I would want some assurances about the security of the construction arrangements before any further progress is made on the funding of those new buildings.

Who is minding the intelligence store? Who is really taking care that the security of our Nation is being protected, in the nitty-gritty details worldwide that really count? While the administration talks tough about combating communism, about pouring our efforts into supporting freedom fighters, American security is being compromised from the docks of Norfolk to the inner sanctums of our Embassy in Moscow.

The New York Times of Friday, April 3, 1987, carried a story, on page 1, that a report by the prestigious Foreign Intelligence Advisory Board 2 years ago flagged many of the security concerns regarding our Embassy in Moscow. Apparently its recommendations were generally not implemented. Why? What is being done today to implement them? What is planned to be done tomorrow to implement them?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The Chicago Tribune of last Friday, April 3, 1987, carried a story that President Reagan and other top officials of his administration are now outraged and surprised over the cumulative impact of these compromises. They have ordered another study. I would certainly hope so, but is that all? How long is this delayed reaction to go on? Let us hope that this study, just as the one to which I have just alluded, will not be ignored, and that effective actions will be taken and taken quickly.

Mr. President, the Intelligence Committee is planning extensive hearings on these matters later this month. We shall look forward to the committee's investigation, and hope that the administration will now pay attention to the alarming security sieve over which it has been presiding.

It does seem obvious to me, Mr. President, that plain commonsense rules in the construction and operation of our complexes in highly vulnerable situations have been handled in an incompetent and neglectful manner which amounts, in my opinion, to gross negligence. The security of the United States is at stake here. It is clear that the Senate will have to spend a considerable amount of precious time investigating, overseeing, and legislating standards and requirements which should not be necessary. The administration often complains that Congress interferes in its conduct of foreign policy. Here is one situation that the Congress should not have to micromanage. We would certainly prefer to spend our time on other things. Yet Congress is being forced to get involved. I hope very much that the administration will really take the bull by the horns now on this matter, so that we may be assured that our security system is swiftly on the way to being fully repaired.

Mr. President, I ask unanimous consent that the two articles to which I earlier alluded be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

REAGAN SAID TO ORDER SPY-DAMAGE APPRAISAL

WASHINGTON.—President Reagan has ordered a sweeping assessment of damage to U.S. national security from the Marine espionage case, Jonathan Jay Pollard's disclosures to Israel and the Walker family's Soviet spy ring, according to well-placed sources.

Sources in the U.S. intelligence community said the assessment was expected to be one of the harshest reappraisals of U.S. communications and intelligence security since Mr. Reagan took office.

It comes after an astounding series of U.S. security breaches. In less than two years, the United States has seen its embassy in Moscow penetrated, its naval secrets compromised by a spy ring, a defection by a Central Intelligence Agency man trained to work in Moscow and considerable top-secret material turned over to Israel by a spy in naval intelligence.

After each major recent espionage case was disclosed, damage assessments were made, government sources confirmed. But Mr. Reagan now has ordered that a cumulative look be taken.

According to administration sources, Mr. Reagan was first briefed on the Moscow embassy espionage case March 26 after investigators had received information from Marine Corps Cpl. Arnold Bracy that suggested the damage to U.S. security had been far more serious than first realized.

The meeting included "all the obvious people," such as Frank C. Carlucci, the national security adviser; Robert Gates, acting director of the CIA; and Vice President George Bush, a former CIA director, a source said.

At this meeting, a source said, Mr. Reagan and Mr. Bush reacted angrily to an account of the ease with which Soviet agents had been able to enter key communications and intelligence rooms at the embassy. They learned that all State Department communications between Washington and Moscow apparently had been compromised, a source said.

Mr. Bush called for a top-to-bottom inquiry, but the decision was withheld until a second meeting Monday, involving the same people, in which new details of the extent of the damage in Moscow were reported to Mr. Reagan. At that meeting, Mr. Reagan instructed that the major inquiry be conducted and a report be prepared for him.

"The president is personally concerned over what he heard," one source said.

Mr. Reagan has said nothing publicly about the matter. But Wednesday, Mr. Carlucci said the condition of U.S. security in the wake of the Marine episode was "not very good."

An expert said communications security is at serious risk because one of Walker's accomplices disclosed naval communications data and Pollard disclosed naval cable material that could give foreign agents better understanding of secret U.S. contacts.

At Quantico, Va., Col. Carmine Del Grosso, commander of the unit that trains and assigns the 1,500 embassy guards worldwide, said that government investigators "are looking at potential leads of people that may have been mentioned by . . . [the Marine] in custody." During a briefing for reporters, he would not rule out the possibility that other Marines might face charges.

Meanwhile, the House Armed Services Committee, headed by Representative Les Aspin, D-Wis., has opened an investigation of Marine security. A task force of intelligence experts from key agencies has been reviewing the growing evidence about the Soviet penetration of the Moscow embassy.

---

REAGAN WAS TOLD IN '85 OF PROBLEM IN MOSCOW EMBASSY

ADVISORY PANEL TOLD HIM THAT SOVIET EMPLOYEES POSED SERIOUS SECURITY RISK

(By Stephen Engelberg)

WASHINGTON, April 2.—A secret report sent to President Reagan by his advisory panel on intelligence two years ago warned that the United States Embassy in Moscow was vulnerable to Soviet espionage, Government officials said today.

The officials, some of whom have been critical of the State Department, said that the report helped persuade Mr. Reagan to approve a plan to reduce the number of Soviet employees in the embassy, but that it prompted few appreciable changes in security procedures.

The report was prepared by the President's Foreign Intelligence Advisory Board a group of private citizens who conduct independent reviews of intelligence issues.

ROSS PEROT REPORTEDLY RESIGNED

A person familiar with the board's work said today that H. Ross Perot, the Texas billionaire, resigned from the panel in disgust in the spring of 1985 because the Government had failed to heed the recommendations about the embassy in Moscow.

The source said that at one of the board's hearings, a State Department official said it would be too expensive to replace the Soviet employees of the embassy with Americans. Mr. Perot replied that he would be willing to pay for it out of his own pocket, the source said. Mr. Perot declined to comment today.

The report by the advisory board said the 200 Soviet nationals then employed at the embassy were a security threat. It said they could pickup information by contacts with Americans or by entering sensitive areas, according to people familiar with its content. The document did not single out the Marine guards as a security risk, these people said.

Last year, the entire issue of Soviet employees became moot when the Soviet Government ordered all of them out of the embassy in retaliation for a United States order to reduce Soviet diplomatic personnel in the United States.

In the continuing inquiry into possible security breaches by two Marine embassy guards in Moscow, the State Department announced today that all embassy employees would be questioned. Charles E. Redman, the State Department spokesman, said the security officer at the embassy, Frederick Merke, was being recalled to assist in the inquiry.

After the intelligence advisory board completed its report, another advisory commission, on embassy security, headed by Adm. Bobby R. Inman, former Deputy Director of Central Intelligence, reached the same conclusions. Its report prompted Secretary of State George P. Shultz to order changes in the Moscow embassy.

DEPARTMENT CALLED RESISTANT

But officials outside the State Department contend that it was still resistant, particularly when it came to reducing the number of Soviet employees. The two Marine guards have acknowledged to investigators that their espionage activities began after they were seduced by Soviet women working in the embassy.

A spate of espionage cases in the United States also led to demands by members of Congress to eliminate the practice of having Soviet citizens working in the embassy and to cut back on the size of the Soviet diplomatic presence in the United States.

In Congressional testimony and in private conversations, State Department officials argued that the Soviet employees helped the diplomats cope with the Soviet bureaucracy on such issues as arranging travel and expediting imports through customs.

They said Americans who would have to be recruited to replace them would be susceptible to enticement by Soviet agents. Members of Congress and Administration officials said that Arthur A. Hartman, the departing Ambassador, was one of the strongest opponents of the plans to reduce or eliminate the Soviet employees.

"They were nonchalant about security," said Senator Patrick J. Leahy, the Vermont

Democrat and former vice chairman of the Senate Intelligence Committee. "They let the Soviets have free run of the embassy. They don't seem to realize that the Moscow embassy was the candy store for the K.G.B."

Senator Leahy said a secret version of the committee's 1986 report on counterintelligence had called the State Department lax in the embassy.

Robert E. Lamb, the head of the State Department's Bureau of Diplomatic Security, acknowledged in a recent interview that the various reports had essentially called on the Foreign Service to change long-held views about security.

"It is a question of time," he said. The Foreign Service has gone through when other embassies in Moscow reported having discovered such devices. In 1978, an antenna was found in the chimney of the embassy, and officials now believe that it was probably moved up and down to pick up signals from the devices in typewriters on various floors.

A team of investigators sent to Moscow in 1979 found nothing, according to the officials, who theorize that the Russians had been alerted.

The devices were finally uncovered in 1984, but later, Soviet agents were able to introduce a new technology, in which the signals from the electric typewriters were carried out of the embassy building through the typewriter power cords.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Republican leader, under the previous order, for not to exceed 10 minutes.

Mr. DOLE. I thank the Presiding Officer.

## DAVE ABSHIRE LEAVES WHITE HOUSE

Mr. DOLE. Mr. President, today, Ambassador David Abshire will be leaving the White House, after serving for 3 months as the President's special counselor on the Iran-Contra affair.

It would be hard to imagine a hot seat any hotter than the one Dave Abshire took over. And it would be hard to imagine anyone who did a better job for the President and for the country than Dave has done.

The Iran-Contra affair is not totally behind us, yet. Indeed, the Senate select committee is only now approaching the beginning of its hearings, and the special prosecutor is still doing his own investigation.

But, certainly, Dave Abshire's work—under the President's strong direction—has speeded up the day when we can finally close the book on this matter and get on with the other critical work of government.

Dave will be returning to the Center for Strategic and International Studies [CSIS], the prestigious think tank which he helped found a quarter of a century ago. He will serve CSIS as chancellor at an important time in the development of that organization as it moves from its formal association with Georgetown University into a fully independent status. I know that Dave will serve with distinction in this new capacity, as he has served at the White House, as Ambassador to NATO, and in his other previous government service.

I wish him well. I am happy he will still be here in town where we can frequently call on his assistance and advice. And, on behalf of all of us—I am certain I speak for all of us—I offer our appreciation for a job well done.

## ESTABLISHMENT OF PRESIDENTIAL COMMISSION ON AIDS

Mr. DOLE. Mr. President, on Friday, April 3, along with several of my colleagues I submitted a Senate resolution which expresses the sense of the Senate on the need for the establishment of a Presidential Commission on Acquired Immune Deficiency Syndrome.

I hoped we might be able to consider this resolution today; if not, I hope I may be able to get consent to hold it at the desk for an additional 24 hours and then put it on the calendar. There have been bills introduced in the Senate which establish a commission, most notably by my distinguished colleagues, Senators WILSON and STEVENS. Both of these bills have merit and the submission of this resolution does not detract from them. In fact, both Senator WILSON and Senator STEVENS have joined me in sponsoring the resolution now held at the desk. It is our sense that this resolution simply underscores the need for rapid consideration of this important issue.

It is also clear that we are in the early stages of a major epidemic. It shows no sign of abating and there is no cure in sight. Although Federal agencies, especially our research institutions, have worked diligently to develop a vaccine or a cure, and in fact have identified the cause of this dread disease, but we are still a long way from solving the problem. Because of the many complex questions that are evolving on a daily basis, and because we lack answers to many of these serious issues, it is absolutely essential that we move as rapidly as possible to organize and prioritize our efforts.

It is a credit to my colleagues that they, too, recognize the need for a central body which can think about, and make recommendations with respect to such serious and sensitive issues as confidentiality, discrimination, information dissemination, resource allocation, and the health care needs of those with AIDS.

Given that such a prestigious body as the National Academy of Sciences recommended the establishment of a commission at the Presidential level, it appears that we are on the right track. It is important for us to follow the advice of these experts and make every effort to expedite the process. To do any less would be to ignore our responsibilities. I believe there is a great deal of value in urging the President to move with all haste to establish a commission at the highest level, composed of the best minds. It is also our shared responsibility to assure that the commission is broadly based and fairly balanced. Most of all, it is our responsibility to move rapidly to demonstrate to the American public that we can and will address the issue of AIDS.

Mr. President, again, I would hope that we might consider the resolution today, as I know the White House is hoping to make a decision in the very near future as to their role.

I was encouraged last week when the President spoke out on this issue. It seems to be a natural follow-on to have a Presidential commission to indicate that at the highest level of our Government, we are concerned about what could become a severe epidemic, not only in this country but internationally. I know others have other ideas about different groups, different commissions. Some would suggest that we turn it over to the National Academy of Sciences. But it does seem to me that the President has a stake in all this.

I would say that obviously, before I submitted the resolution, I made contact with the White House. I think they are in support of the resolution and hopefully, with or without the resolution, if we cannot pass the resolution—though I hope we can. But if for some reason we cannot then I hope the President would move ahead on his own initiative to establish a Presidential commission.

## BICENTENNIAL MINUTE

### APRIL 6, 1789: FIRST SENATORS PRESENT ELECTION CREDENTIALS

Mr. DOLE. Mr. President, 198 years ago today, on April 6, 1789, 12 Senators, constituting the quorum necessary to do business, presented their election credentials at the Senate Chamber in New York City's Federal Hall. With that action, the first Senate began operation. The process of selecting these new Senators, most of whom strongly supported the newly ratified Constitution, proved crucial to the success of the embryonic government.

Unlike elections for President and House Members, Senate selections in 1788 stimulated little popular interest, as the public had no direct role in the process. As provided in the Constitution, Senators were to be elected by State legislatures; that document's framers had left the details of the se-

lection process to the individual States. Most legislatures decided that Senators should be elected in joint sessions of both Houses—a practice then common for selecting key State officials. Only New Hampshire, Massachusetts, and New York believed that the selection of Senators should be handled, like any other legislative act, by proceeding concurrently. This latter method gave equal weight to the State senates, unlike the joint voting arrangement in which these bodies were overwhelmed by the larger lower houses. The drawback with the concurrent method, as future deadlocks would demonstrate, was that both Houses had to agree independently on the same candidate.

In choosing their Senators, many States openly recognized existing economic and geographical divisions. Some elected one Senator from candidates favorable to their more aristocratically inclined upper houses, and the other suitable to their popularly elected lower chambers. The Maryland Assembly divided its Senate representation according to geography, stipulating that one Senator was to be chosen from the State's Eastern Shore, and the other from the larger region west of the Chesapeake Bay. New York, Pennsylvania, and Georgia followed similar regional divisions.

Mr. President, I reserve the remainder of my time.

Mr. PROXMIRE addressed the Chair.

## MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, that Senators may speak therein for not to exceed 5 minutes each, and that the period extend no later than 3 o'clock.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ARE WE OUT OF AMMUNITION COME THE NEXT RECESSION?

Mr. PROXMIRE. Mr. President, this administration has pushed the Federal Government into the terrible spot in which a policeman finds himself when he is being pursued by a gang of gunmen. The policeman, as a veteran of gun battles, knows that he has a fighting chance to shoot his way out of trouble as long as he has the ammunition. But once he fires his last shot, he is a dead duck. The gang can and will execute him at will.

The Government in this or any other free enterprise country is armed with two guns to shoot its economy out of a recession. We know periodic recessions are part and parcel of every free enterprise economy. They are the price we pay for economic freedom. If Government fails to act when recessions hit, the economy can suffer savage reversals that can deepen into a depression. It has been 50 years since the last depression. Few of us are old enough to remember it. A depression does more than throw millions out of work. It is even worse than broad scale bankruptcy. A full fledged depression leaves scars on a country. It enfeebles a country's national security. It promotes crime. It can even destroy the Nation's confidence in its basic democratic political institutions and push the Nation into the political extremism of fascism or communism. Many Americans—especially young Americans think it cannot happen here. And yet we know that this is precisely what has happened in countries in Europe from which many of our ancestors have come. Yes, it can happen here. If it does, it will be sparked by economic desperation.

How can we prevent this terrible prospect from becoming a reality? How can we be sure that we keep enough ammunition in the policeman's guns so he can shoot his way out? The answer is to keep our antidepression ammunition dry and ready until we need it.

So what does this analogy have to do with Government economic policy today? What does it have to do with the threat of recession deepening into full-fledged depression? Is our Government out of antidepression ammunition now? Think about it. This Senator believes that is exactly what is happening to this Government's economic policy. Ask yourself. What are the two antidepression guns available to the Government to shoot its way out of recession? They are two six shooters: compensatory fiscal policy and expansive monetary policy. Why isn't the Federal Government ready, willing, and able to fire these guns this year or next year, if we have to do so, to fight our way out of recession and back to recovery? Answer—the Federal Government has just plain used up its ammunition. Both guns at this very time are virtually empty.

Think of it. For 5 successive years this Government has run one enormous deficit after another. This year we may fire our last huge deficit bullet in our fiscal six shooter. In the first 3 months of this 1987 fiscal year, we have already sunk the country another $63 billion deeper into deficit. Another three quarters like the first one and we will break another record with a $250 billion deficit. And we have done this with Gramm-Rudman in full effect, sequestration and all. Why does that make our dilemma so terrible? It's because we have used up this shoot-your-way-out of recession ammuntion in a period of recovery.

Come a recession, what do we do? Oh, sure we could run a $400 billion or a half trillion deficit. Wouldn't that stimulate the economy? Of course, it would. It would also utterly destroy business confidence. Think of it. The national debt would be soaring into the trillions. The cost of servicing that debt would quickly become the biggest cost of Government. It would be a conspicuous burden saddled on the economy in perpetuity, destroying business and consumer confidence and sinking this country into deeper depression. That vital fiscal six shooter is empty.

Oh, but how about our other six shooter? Couldn't the Federal Reserve Board lift this country out of the recession by flooding the Nation with cheap and easy credit that would make interest rates such a bargain that home buyers, auto buyers and industrial corporations could not resist borrowing and spending their way and ours right out of recession and depression?

Well, again, I have news for you. The Federal Reserve has already fired just about every round out of that antidepression gun. For nearly 2 years now, the Federal Reserve Board has been printing money at the fastest rate in its long 73-year history. How fast has the Fed increased the money supply? Consider: the measure of the need for money is the growth in the nominal gross national product. That is the GNP plus the rate of inflation. When the Fed prints money at the same rate the nominal GNP is growing, that money growth tends to stabilize interest rates and the economy. When the Fed prints money more slowly than the growth in the GNP it tends to limit credit. That drives up interest rates and slows the economy.

When the Fed prints money faster than the nominal growth of the GNP, interest rates fall. Credit expands more swiftly than the demand for credit. The economy grows faster. So what was the relationship of the money supply increase to GNP last year? Was the stimulus 25 percent? No. Was it 50 percent? No. Maybe 100 percent? No. Mr. President it was a record 200 percent. The nominal GNP grew at a 5.2-percent rate. The money supply grew at an astonishing, super stimulative rate of more than 17 percent. The Fed literally flooded this country in a sea of money. So what happened to interest rates? Of course. They fell. They fell spectacularly. The Fed Board in effect has pulled out the old six gun and ripped off all six shots in rapid fire order. That together with the enormous stimulus from Federal deficits kept the recovery moving along. But now what can the Fed do when this aging recovery eventually follows the free enterprise script and falls into recession? Answer: nothing. The ammunition is gone. As former Fed Chairman William McChesney Martin said about monetary policy: "You can't push a string."

So this country is like the policeman, armed with two six guns. We have just fired every bullet out of every gun, and the recession gang has not even been in range. Next stop—the coroner, and then a nice quiet trip to the cemetery.

## INSURANCE FRAUD

Mr. WILSON. Mr. President, old age, it has been said, is a state of mind. Unfortunately, the state of mind of millions of elderly Americans today is one of deep and understandable concern over economic as well as physical vulnerability. Worried over the cost of staying healthy, still more worried over the ruinous expenses of falling ill, senior citizens fall prey to unscrupulous insurance companies that claim to sell peace of mind but too many instances are instead selling a bill of goods.

More than 20 years have passed since the Federal Government first assumed responsibility for providing Medicare health insurance. And, of course, Medicare has never supplied complete financial coverage. This year it will pay about 48 percent of the typical senior's health care bills. That fact has given rise to a whole new branch of the private insurance industry. I refer to what is called Medicare supplemental health insurance, or as it seems termed "MediGap" insurance, a $13 billion investment by 21 million senior citizens. That figures out to about $600 apiece, Mr. President; yet much of that substantial investment, as much as perhaps $3 billion a year, according to the estimate of the House Committee on Aging, will go to purchase policies which do not in fact give the protection that is sought. Those $3 billion are spent upon policies that in many cases are duplicative, deceptive, policies that are in many cases sold through misleading practices on the part of insurance agents.

Now, it is not hard to understand why. If they are anything like most people, seniors can easily get lost in the paper jungle of conflicting claims, contingencies, and outright misrepresentations that unhappily characterize some, certainly not all but some, insurance pitch men. Indeed, the vast majority are ethical representatives, but for those who are not, the peril to the public is very great. Some agents sell overlapping policies. Some present themselves falsely as being from a governmental organization or from some legitimate independent senior organization. Still others fail to disclose the gaps in the policies they are selling. They do not cover or draw attention to the limits, to the exceptions that very much hedge the coverage of the companies they represent. Indeed, some pose as representatives from legitimate organizations which are in fact mail drops, mere fronts for an insurance company.

What most seniors do not know can cost them dearly. And I am not talking just about the $3 billion that they have invested in policies which do not give them protection. But given the fact that these policies are not standardized, it is very difficult to compare one package with another. In fact, the type of coverage desired by most older people is long-term custodial care, which is to say care in a nursing home. But most "MediGap" insurance does not provide this kind of coverage. Only rarely does it pay for nursing home care, for routine physical examination, or dental care, dentures, eye care, foot care or out-of-hospital prescription drugs. That is the sad, expensive truth. Too often seniors buy policies thinking exactly the reverse, thinking that those things are contained in the coverage they are buying. One very sad case illustrates the point.

A Maryland citizen, whose wife fell victim to both Alzheimer's and Parkinson's diseases, one day, while caring for her at home for many years, had to leave here briefly unattended. He came back to find she had fallen to the floor of her bedroom and suffered fractures of the shoulder and hip. At that time it was clear to him that she could only receive the kind of care she needed from a nursing home.

For 10 years, on five different policies, he had paid over $12,000 in premiums, with the clear understanding on his part that it would provide for the sort of nursing home care that was now necessary, but it did not. It was his tragic revelation that he was not covered.

That example is typical of the experience of hundreds and thousands of elderly Americans. Yet, seniors get a very different impression when they turn on a TV set and hear a familiar, popular celebrity talking in earnest, sympathetic tones about the high cost of hospital and nursing home care, or commiserating with them over cuts in Medicare.

Or they open their mail to find similar appeals from familiar faces, often from the entertainment world, stressing the dire consequences of not buying the supplemental insurance which is sold in these solicitations. I am sure that these spokespersons are personally sincere and have no intention to mislead—nor any awareness that the copy they are reading may in fact mislead. But regrettably, in some instances, however unintended it may be, there is more con than artistry in such performances.

The purchase of insurance policies ought to be based on fact—not on fear, fantasy, or blind trust in a well-paid celebrity salesperson. It may be that the spokesperson, as well as the unintended victims, is lulled into paying for insurance policies that hide their limitations and minimize their exclusions in fine print or obscure, legalistic language.

As a caring society, one that venerates rather than victimizes our elderly, we must do more to protect seniors from insurance ripoffs.

To combat this problem, I am proposing legislation to require a warning label on all direct mail solicitations, electronic and print media advertisements for MediGap policies, and on the pages of insurance contracts. Such a label would inform consumers that all health insurance policies contain gaps in coverage, and urge them to seek independent counsel from qualified government officials prior to purchase. And it would do so in print that can be read without the use of a magnifying glass.

By all means, I urge seniors to get a second opinion, much as any reputable doctor would advise them to seek additional counsel before proceeding with an important medical procedure. There are plenty of places they can go for such assistance, beginning with their State insurance department or their local agency on aging office.

With this bill, I hope we can take a major step toward ending the abuse of elderly consumers.

There are, of course, a great many reputable and ethical insurance companies that do a good job at disclosing what their policies cover and what they do not. Both they and the insurance-purchasing public will be benefited by this legislation. Hopefully, it will stimulate the insurance industry as a whole to undertake the high standards of disclosure now practiced by the best companies, which will in turn lead to a competition demanded by informed consumers to offer more comprehensive coverage.

At least, we can hope to ease the doubts and calm the fears of seniors who deserve our gratitude and deserve honest information from an independent source. The ultimate test of any society is how it treats its most vulnerable members. It is time for Congress and the insurance industry to pass that test.

## PASQUE PETALS

Mr. PRESSLER. Mr. President, today I would like to take a few minutes to recognize the efforts of a very special group of people in my home State of South Dakota.

On February 24, 1987, I was honored to be able to arrange a special ceremony for the presentation of a gift to the Library of Congress from the South Dakota State Poetry Society. Dr. Daniel Boorstin, distinguished historian and the Librarian of Congress, was there to accept a bound set of the complete 60-year collection of the society's official publication, "Pasque

Petals," from members of the South Dakota State Poetry Society. The presentation was conducted rather informally, devoid of unusual fanfare or pomp. Kind words were exchanged about poetry and a mutual appreciation of the art was expressed by those who participated. The volumes were presented, and within hours the members of the Poetry Society were winging their way back to South Dakota. However, I wish to share with my colleagues the history of this unique group and publication, and how the Pasque Petals gift was made possible.

Pasque Petals is the oldest continuously published poetry magazine in the United States. It was first published in May 1926 at Aberdeen, SD, by Dr. James C. Lindberg, who went on to establish the South Dakota State Poetry Society in 1927. Dr. Lindberg and his student, Rudolph Ruste, constituted the first and only founding members of the South Dakota State Poetry Society in Huron, SD, that year. Since those humble beginnings, the society's membership has flourished, including lovers of verse from every corner of the State. Fulfilling its stated purpose of stimulating the writing and appreciation of poetry, the State Poetry Society has contributed much to the cultural growth of South Dakotans.

The presentation of the entire collection of Pasque Petals to the Library of Congress was the culmination of over 300 volunteer hours by members and friends of the Poetry Society. First, copies of some of the earliest Pasque Petals publications which the society lacked or were misplaced were donated to ensure a complete set. Then the time-consuming task of readying the magazines for binding into hard-cover volumes was undertaken—a real labor of love. The lovely lavender volumes, much like the color of South Dakota's State flower—the pasque flower—were sent to the Library of Congress in October 1986 to be recorded and cataloged.

I am very proud of the efforts of the South Dakota State Poetry Society. It has given me much pleasure to play a small role in the presentation of a slice of South Dakota, which is so aptly represented by Pasque Petals, to the Library of Congress.

Mr. President, I ask that a list of names of the South Dakota volunteers be printed at this point in the RECORD, in recognition of their efforts and their devotion to poetry.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Lois Bogue, Carmen Christensen, Dorothy Davie, Dorothy Dempsey, Emma Dimit, Polly Farmer, Gleandae Jungemann, Gladys Dorsey Larson, Janet Lieh, Jeannie Lesinski, Walt Morgan, Barbara Stevens, and LaVerle Stevens.

Mr. President, despite the society members' diversity, with interests and occupations ranging from farmer to professor of literature, a love for the beauty of the South Dakota landscape and the lifestyle of her people are frequent topics of poems published in Pasque Petals. Every time I return to my home State, I am overcome by the refreshing tranquillity of South Dakota. This sentiment is very eloquently expressed by a poem which appeared in the May 1986, 60th anniversary issue of Pasque Petals. To close this tribute to the South Dakota State Poetry Society I would like to recite "Dakota's Prairie Peace" by Carol P. Farmer regarding the wonders of South Dakota's vast expanse of prairie.

I sit upon a prairie hill
Where gently speaks the wind.
It whispers of sweet days gone by
And fills my head with dreams.
Dakota sun spreads peaceful warmth
That lingers in my heart,
While frayed but tender memories
Nudge gently at my mind.
My thoughts, like scattered leaves, are free
To roam the prairie hills.
They wander aimlessly, or pause
To play with rascal winds.
At last, with heart and soul refreshed,
Now filled with prairie peace,
I go to face my world again,
Within familiar walls.

## ORDER OF BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak beyond the 5-minute limitation with the understanding that I will yield the floor at any time another Senator comes to the floor and wishes recognition. I will probably need about 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE UNITED STATES SENATE

### THE FIRST SENATE'S FIRST DAYS

Mr. BYRD. Mr. President, today we mark a highly significant milestone in the Senate's nearly two centuries of existence. April 6, 1987, is the 198th anniversary of the date on which the Senate achieved its first quorum. On two previous occasions in my series of addresses on the Senate's history, I have discussed the precedent-setting First Congress.[1] Today, I shall add to those observations by focusing on the period that ended on April 6, 1789, with the quorum-producing arrival of Virginia's Senator Richard Henry Lee.

As one of its final acts, the old Congress under the Articles of Confederation set March 4, 1789, as the day the new Constitution would take effect. On March 4, the new federal Congress was to have met so that the Senate and House could jointly count the electoral votes for president and vice president. To do so, however, both houses needed to establish a quorum of their eligible membership. For the Senate, this meant that twelve members would have to present themselves to the new seat of government in New York City's Federal Hall. This number constituted a majority of the twenty-two Senate seats that then existed. As of that date, only eleven of the thirteen states had ratified the Constitution. North Carolina would not ratify until November, and Rhode Island waited until May 1790. New York, the eleventh state to ratify, would not be able to agree on the selection of its senators until July. Thus, although there were twenty-two authorized Senate seats, as of March 4, only twenty senators had been elected by the respective state legislatures.

The Congress under the Articles of Confederation had been plagued by absenteeism. In its final months, that legislature remained virtually paralyzed by its inability to muster a quorum of members. Thus when only eight of the twenty elected senators presented themselves on March 4, many feared a continuation of the old difficulty. As Charlene N. Bickford, an authority on the First Congress, has written, "These men hoped that the new government could begin its work promptly, conveying an impression of the seriousness of their attention to duty to the public . . ."[2] When a quorum failed to materialize over the next few days, those who had arrived wrote to their tardy colleagues: "We apprehend that no arguments are necessary to evince to you the indispensable necessity of putting the Government into immediate operation, and, therefore, earnestly request, that you will be so obliging as to attend as soon as possible."[3]

Connecticut's Governor Samuel Huntington wrote on March 30 to that state's two senators, who were present in the capital, expressing generally held fears that further delay would undermine national and world confidence in the new government. He explained: "I know not but that particular embarrassments in some states may be sufficient excuse for delay to this time; but did those states duly consider the consequences? That at this important crisis earnest expectations may grow into impatience and finally change to loss of confidence, and distrust by long disappointment, I am sure procrastination must create anxiety in the friends to the Constitution . . ."[4]

Many of those present directed their frustration at Delaware's absent George Read. His arrival, at that time, would have created the necessary quorum. These members requested Charles Thomson, secretary of the

[1] Footnotes at end of article.

Confederation Congress, to write Senator Read. Secretary Thomson began by expressing his irritation with Read for sending a letter by way of Richard Bassett, Delaware's other senator:

. . . I am extremely mortified that you did not come with him. Those who feel for the honor and are solicitous for the happiness of this country are pained to the heart at the dilatory attendance of members appointed to form the two houses while those who are averse to the new constitution and those who are unfriendly to the liberty and consequently to the happiness and prosperity of this country, exult at our langour and inattention to public concerns . . . . What must the world think of us? But what in particular mortifies me in respect to you is that there is every reason to believe your absence alone will on Monday next prevent the senators from forming a house and at the same time there is reason to believe there will be a sufficient number to form the House of Representatives so that the eyes of the continent will be turned on you, and all the great and important business of the Union be at a stand because you are not here.[5]

This was plain talk. I feel like using it sometimes myself.

Despite this plea, Read did not arrive until April 13, one week after the Senate finally obtained its quorum.

Mr. President, perhaps we can capture a sense of the excitement and commitment with which these first senators approached their new duties by looking in on a ceremony held in southern New Jersey to mark the departure of Senator Jonathan Elmer. The March 26 event began, as was customary in the late eighteenth century, with a series of toasts. On this occasion, the spirited assemblage drank eleven toasts. For those today who might wish to stage a commemorative Constitution bicentennial toast, I shall read them in the order in which they were given:

The new Federal Constitution, may it be speedily put into execution;

His Excellency George Washington;

The Honorable John Adams;

The Senate of the United States;

The federal House of Representatives;

The Governor of the State of New Jersey;

The promoters of public happiness;

May the liberties of the people be the principal object of their rulers;

Success to Agriculture, Manufactures and Commerce;

Honor, Virtue and Patriotism;

A speedy reformation to Rhode Island and North Carolina.

We are advised that these toasts were executed with "the greatest order and decorum." Following that ceremony the new senator listened to a farewell address in which he was praised for: "your literary achievements, the early and active part you took in the cause of liberty and your country in the late revolution, your knowledge and experience in the Science of Government . . ."

Elmer responded with suitable humility. He said: "To make a fair experiment of the new federal Constitution by putting it into execution immediately, is an object which I have much at heart. The success of the experiment will depend, greatly, upon the manner in which this grand machine is first put in motion." He closed with a promise—one that his modern successors, in this age of instantaneous news coverage, might not have been so bold as to venture. He said: "And while I endeavor faithfully to serve my Country in general, I have made it my constant duty to promote the honor and interests of the State to which I belong, and that part of it, in particular, with which I am more immediately committed." [6]

Mr. President, although the Senate was delayed nearly five weeks for lack of a quorum, those members who had arrived in New York City were far from idle. First, there was an active social life. Wealthy New York City residents, eager to convince Congress to make that city its permanent home, hosted a succession of dinners and ceremonies. These entertainments served the very useful purpose of allowing members from differing regions to get to know one another.

There were also job seekers. Senator Tristram Dalton of Massachusetts earlier wrote Caleb Strong, that state's other senator, as follows:

. . . you may expect applications in favor of a number of persons who want places in the federal revenue and some will be so modest as to insist on an absolute promise to favor them—perhaps adding that I have promised—for they have already said you have, in a case where I suppose no application has been made to you. . . . Be assured, Dear Sir, that I have not promised my interest to any man—neither will I until at Congress. Applications to me have been so many and some of them so curious I thought it friendly . . . to hand you this intelligence in season lest by false report of my conduct you be embarrassed.[7]

The waiting senators informally discussed selection of a Secretary of the Senate and procedures for conducting the Senate's internal business. They gave a great deal of attention to questions of separation of powers and checks and balances between the Senate, the House, and the president. Senators also pondered whether they should act as equals or as superiors to House members.

Some shared New Hampshire Senator Paine Wingate's concerns that the Senate, as a body, might not be up to public expectations. Wingate wrote to a friend as follows:

I fear that your expectation, and that of the public in general, will be raised too high respecting that new government. You will remember that Congress is but a collective body of men, men of like passions, subject to local prejudices and those biases which in some measure are inseparable from human nature. I say this not to lessen their true merit, for I esteem them in general as very worthy characters, but not without considerable imperfections. . . . And tho I would not attribute a base design to any, yet I may be justified in supposing that partiality and jealousy will blind and mislead some, and it will be next to impossible to harmonize the sentiments of all. The best we can hope for is an accommodating disposition in that which will be tolerably right.[8]

Mr. President, I shall conclude these remarks with a discussion of the first Senate chamber, in which members finally achieved their quorum. I am most grateful to Dr. Kenneth Bowling of George Washington University's First Federal Congress Project for much of the information presented here. The original Senate chamber was located on the second floor of New York's Federal Hall. Located in lower Manhattan at Wall and Nassau Streets, the building was originally constructed between 1699 and 1704. It had been remodeled in 1763. Although the structure had previously served primarily as New York's City Hall, it had been used to other official bodies, including the court that tried John Peter Zenger in 1735, the Stamp Act Congress in 1765, and the Confederation Congress from 1785 to 1789.

Immediately after the Confederation Congress' decision on September 18, 1788 that the First Congress would convene at New York, the city's Common Council chose Pierre L'Enfant to oversee conversion of the building into an elegant meeting place for Congress. He made rapid progress, although he was not quite finished by April 6. During the Senate's first days, members had to accommodate themselves to the inconvenience of last minute clean-up work. Financed by lotteries and a special local tax, the conversion cost about $65,000, excluding interest on private loans.

As reconstructed, Federal Hall measured 95 feet in width and 145 feet at its deepest point. From the front hall, one entered a central three-story vestibule, which had a marble floor and an ornamented skylight under a cupola. Off this vestibule stood the House of Representatives chamber, a two-story richly decorated room. Access to the upper floors was gained by two stairways in the vestibule, one of them reserved for members. The Wall Street side of the second floor consisted of a richly carpeted forty-by-thirty-foot, two story Senate chamber and several smaller rooms connected to it.

The Senate chamber's most striking features were its high arched ceiling, tall windows curtained in crimson damask, fireplaces mantels in handsomely polished marble, and a presiding officer's chair elevated three feet from the floor and placed under a crimson canopy. The ceiling was adorened in the center with a sun and—expressing optimism that North Carolina

and Rhode Island would soon join the Union—thirteen stars. Noticeably absent from this ornate chamber was a spectators' gallery, as there was no intention that Senate proceedings would be open to the public.

The smaller adjacent rooms included the "machinery room," used to display models of inventions, the Secretary of the Senate's office, and Senate committee rooms. Also on this side of the second floor was the balcony on which George Washington would take this oath of office on April 30, 1789. At the back of the second floor were the two public galleries overhanging the House chamber. Little is known about the third floor, except that it contained several small rooms, one of which housed the New York Society Library. Federal Hall was torn down in 1812. In 1842 the U.S. government constructed on that site the Greek Revival building, which is today known as the Federal Hall National Memorial.

Mr. President, thus began, 198 years ago today, the Senate's rich history. Since that first quorum of twelve members, a total of 1,782 men and women have taken their oaths as United States senators.

And we witnessed the taking of the oath of a new Senator from Nebraska only a few days ago. Senator KARNES is the 1,782d Senator to have served in the U.S. Senate in these 198 years since April 6, 1789. Incidentially, I was the 1,579th Senator to serve.

As we approach our third century, we might consider Senator Jonathan Elmer's pledge to his constituents. "I conceive it to be my duty," he said, "to sacrifice personal and private considerations to the public good. In making these sacrifices, I feel myself actuated by a sense of the obligation I am under to my fellow citizens, for the honor they have conferred on me, and an earnest desire to promote the general welfare and interest of my Country."

Mr. President, I am going to place in the RECORD the names and short biographies of the following Senators who have served in the first Senate, and a list of all Senate bills for that historic first Congress. The names of those Senators are as follows:

Richard Bassett, Delaware; Pierce Butler, South Carolina; Charles Carroll, Maryland; Tristram Dalton, Massachusetts; Philemon Dickinson, New Jersey; Oliver Ellsworth, Connecticut; Jonathan Elmer, New Jersey; William Few, Georgia; Theodore Foster, Rhode Island; William Grayson, Virginia; James Gunn, Georgia; Benjamin Hawkins, North Carolina; John Henry, Maryland; Ralph Izard, South Carolina; William Samuel Johnson, Connecticut; Samuel Johnston, North Carlina; Rufus King, New York; John Langdon, New Hampshire; Richard Henry Lee, Virginia; William Maclay, Pennsylvania; James Monroe, Virginia; Robert Morris, Pennsylvania; William Paterson, New Jersey; George Read, Delaware; Philip John Schuyler, New York; Joseph Stanton, Jr., Rhode Island; Caleb Strong, Massachusetts; John Walker, Virginia; Paine Wingate, New Hampshire.

Mr. President, the Senate bills that were passed in that Congress, of course, do not include the House bills that were passed in the Senate. The first Senate bill to pass the Senate and to become law was an Act to establish the judicial courts of the United States. It became law on September 24, 1789.

Mr. President, there were three sessions in that first Congress. The first session extended from March 4, although the quorum did not assemble until April 6, as I have already indicated, to September 29.

The second session began on January 4, 1790, and went until August 12, 1790.

The third session was from December 6, 1790, to March 3, 1791.

Mr. President, I ask unanimous consent, first of all, that the notes to the first Senate's first days be included in the RECORD; that the compilation of Senate bills, showing the short title, the long title, the date introduced, and the date signed by the President, be included in the RECORD; and that the biographies of Senators who served in that Congress be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOTES TO "THE FIRST SENATE'S FIRST DAYS"

[1] *"Congressional Record,"* May 4, 1981, pp. 8240–46; May 19, 1981, pp. 10135–42.

[2] Charlene N. Bickford, " 'Public attention is very much fixed on the proceedings of the new Congress:' The First Federal Congress Begins its work," this "Constitution" (Winter 1984): 26.

[3] Documentary History of the First Federal Congress. Senate "Journal" (Baltimore, 1972), p. 4.

[4] Bickford, p. 28.

[5] Bickford, pp. 28–29.

[6] Cumberland County, New Jersey, March 26, 1789," from the collections of the First Federal Congress Project, George Washington University.

[7] Tristram Dalton to Caleb Strong, January 1, 1789, Caleb Strong Papers, Massachusetts Historical Society, Boston.

[8] From notes courtesy of Kenneth Bowling, First Congress Project.

SENATE BILLS

| No. and Short title | Long title | Date introduced | Date signed by President |
|---|---|---|---|
| First Session: March 4, 1789–September 29, 1789: | | | |
| 1 Judiciary | An Act to establish the Judicial Courts of the United States | June 12 | Sept. 24. |
| 2 Punishment of Crimes | An Act for the punishment of certain crimes against the United States | July 28 | Postponed—H.R.—. |
| 3 Post Office | An Act for the temporary establishment of the Post-Office | Sept. 11 | Sept. 22. |
| 4 Courts | An Act to regulate Processes in the Courts of the United States | Sept. 17 | Sept. 29. |
| 5 Glaubeck | An Act to allow the Baron de Glaubeck the Pay of a Captain in the Army of the United States. | Sept. 24 | Sept. 29. |
| Second Session: January 4, 1790–August 12, 1770: | | | |
| 6 Punishment of crimes | A Bill defining the crimes and offences that shall be cognizable under the authority of the United States, and their punishment. | Jan. 26 | Apr. 30. |
| | An Act for the punishment of certain crimes against the United States | | |
| 7 North Carolina Cession | An Act to accept a cession of the claims of the State of North-Carolina, to a certain district of western territory. | Mar. 3 | Apr. 2. |
| 8 Southern Territory | An Act for the government of the territory of the United States south of the River Ohio | Apr. 9 | May 26. |
| 9 Courts | An Act to continue in force an Act passed at the last session of Congress, entitled, "An Act to regulate processes in the courts of the United States. | Apr. 23 | May 26. |
| 10 North Carolina Judiciary | An Act for giving effect to the Acts therein mentioned, in respect to the State of North-Carolina, and to amend the said Act. | Apr. 29 | Not passed. See [H.R.–68]. |
| 11 Rhode Island Trade | An Act to prevent bringing goods, wares, and merchandizes from the State of Rhode-Island and Providence Plantations, into the United States, and to authorize a demand of money. | May 13 | Not passed. |
| 12 Residence | A Bill to determine the permanent seat of Congress, and the government of the United States. | May 31 | July 16. |
| | An Act for establishing the temporary and permanent seat of the Government of the United States. | | |
| 13 Circuit Courts | A Bill for altering the time of holding the courts in South Carolina and Georgia | Aug. 7 | Aug. 11. |
| | An Act to alter the times for holding the Circuit Courts of the United States in the districts of South-Carolina and Georgia, and providing that the District Court of Pennsylvania shall in future be held in the city of Philadelphia only. | | |
| Third Session: December 6, 1790–March 3, 1791: | | | |
| 14 Ways and Means | An Act supplementary to the Act, entitled, "An Act making further provision for the payment of the debts of the United States". | Dec. 16 | Dec. 27. |
| 15 Bank | An Act to incorporate the subscribers to the bank of the United States | Jan. 3 | Feb. 25. |
| 16 Kentucky Statehood | An Act providing that the district of Kentucky should become an independent State, and be admitted as a member of the United States of America. | Jan. 4 | Feb. 4. |

SENATE BILLS—Continued

| No. and Short title | Long title | Date introduced | Date signed by President |
|---|---|---|---|
| | An Act declaring the consent of Congress that a new State be formed within the jurisdiction of the Commonwealth of Virginia, and admitted into this union by the name of the State of Kentucky. | | |
| 17 Northwest Territory | An Act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions. | Jan. 7 | Mar. 3. |
| 18 Consuls and Vice Consuls | An Act concerning Consuls and Vice Consuls | Jan. 7 | Not passed. |
| 19 Vermont Statehood | An Act for the admission of the State of Vermont into this union | Feb. 10 | Feb. 18. |
| 20 Kentucky and Vermont Representatives | An Act regulating the number of Representatives to be chosen by the States of Kentucky and Vermont. | Feb. 11 | Feb. 25. |
| 21 Residence | An Act to amend an Act, entitled, "An Act for establishing the temporary and permanent seat of government of the United States". | Feb. 17 | Mar. 3. |
| 22 Payment of Balances | An Act concerning the payment of balances due to the United States in certain cases | Feb. 26 | Postponed—S.—. |
| 23 Moroccan Treaty | An Act making an appropriation for the purposes therein mentioned [effecting a recognition of the treaty of the United States with the new Emperor of Morocco]. | Mar. 1 | Mar. 3. |
| 24 Mitigation of Forfeitures | An Act to continue in force the Act therein mentioned [to provide for mitigating . . . forfeitures], and to make further provision for the payment of pensions to invalids, and for the support of lighthouses, beacons, buoys, and public piers. | Mar. 2 | Mar. 3. |

Source: Documentary History of the First Federal Congress of the United States of America. "Legislative Histories." Volume IV. Baltimore, 1986.

## UNITED STATES SENATORS OF THE FIRST CONGRESS

### (Biographical Sketches)

#### RICHARD BASSETT, DELAWARE

Richard Bassett was born on April 2, 1745, in Cecil County, Maryland. He studied law, was admitted to the bar, and practiced in Delaware, where he maintained a large estate. During the Revolutionary War, Bassett served with the Delaware militia. Between 1776 and 1786, he was a member of the council of safety and the state constitutional convention and served in both houses of the state legislature. He was a delegate to the Annapolis Convention, and to the Constitutional Convention in Philadelphia in 1787, and a leading member of the Delaware ratifying convention. Bassett was elected to the United States Senate and served from March 4, 1789, to March 3, 1793. In succeeding years, he was chief justice of the Court of Common Pleas, a presidential elector, and, from 1799 to 1801, Governor of Delaware. Richard Bassett died at his estate, "Bohemia Manor," on August 15, 1815.

#### PIERCE BUTLER, SOUTH CAROLINA

Pierce Butler, the son of a member of the British Parliament, was born on July 11, 1744, in County Carlow, Ireland. He was a major in the British Army and came to North America in 1758 to participate in the French and Indian Wars. By 1770, he was an officer in British units charged with suppressing the growing colonial resistence. Upon his marriage to the daughter of Thomas Middleton, a wealthy Southern planter, Butler left the British army and settled onto a plantation in South Carolina. When war broke out in 1775, he cast his lot with the American cause. He lost his considerable estates and fortune during the British occupation of South Carolina. In 1776, Butler was elected to the South Carolina legislature, a position he held for over a decade. He was a delegate to the Continental Congress and to the Constitutional Convention in Philadelphia. He was elected to the United States Senate and served from March 4, 1789, until he resigned on October 25, 1796. In 1802, he was again elected to the Senate to fill an unexpired term and served from November 4, 1802, until he resigned on November 21, 1804. Pierce Butler died in Philadelphia on February 15, 1822.

#### CHARLES CARROLL, MARYLAND

Born in Annapolis, Maryland, on September 19, 1737, Charles Carroll was educated chiefly in France. He returned to Maryland in 1765 and became a planter. After 1765, he consistently signed his name as Charles Carroll of Carrollton to distinguish himself from his father, cousins, and other Charles Carrolls in the colony. In 1774 and 1775, Carroll was successively a member of the Annapolis committee of correspondence, the first Maryland convention, the provincial committee of correspondence, and the committee of safety. Elected a delegate to the Continental Congress in 1776, Carroll was a signer of the Declaration of Independence. For the next several years, Carroll was both a member of the Continental Congress and the Maryland assembly. He was elected to the United States Senate and served from March 4, 1789, to November 30, 1792, when, preferring to remain a state senator, he resigned to comply with a new Maryland law which forbade simultaneous service in the state and national bodies. He served in the Maryland senate until 1800, when he retired to manage his estate. When Charles Carroll died on November 14, 1832, he was revered as the last surviving signer of the Declaration of Independence.

#### TRISTRAM DALTON, MASSACHUSETTS

Tristram Dalton was born in Newburyport, Massachusetts on May 28, 1738. After graduating from Harvard College in 1755, he studied law and was admitted to the bar, but did not practice, becoming instead a very prosperous merchant. He played only a minor role in the American Revolution. Dalton was a member of the lower house of the State legislature from 1782 to 1785, serving as speaker in 1784. In 1785, he became a member of the state senate and served until 1788. He was a member of the Massachusetts convention that ratified the federal Constitution. He was elected to the United States Senate and served from March 4, 1789, to March 3, 1791, when he was an unsuccessful candidate for reelection. Dalton was surveyor of the port of Boston from 1814 until his death in Boston on May 30, 1817.

#### PHILEMON DICKINSON, NEW JERSEY

Born in Crosia-dore, in Talbot County, Maryland, on April 5, 1739, Philemon Dickinson was privately tutored, graduated from the College of Philadelphia (now the University of Pennsylvania) in 1759, studied law in Philadelphia, and was admitted to the bar. In the 1760's, Dickinson moved to New Jersey and became a member of the provincial congress. Dickinson was an officer with the New Jersey militia throughout the Revolutionary War. In 1782 and 1783, he represented the State of Delaware in the Continental Congress. In 1783 and 1784, he was a member of the council of New Jersey. Dickinson was elected to the United States Senate from New Jersey in 1790 to fill the unexpired term of William Paterson and served from November 23, 1790, to March 3, 1793. He retired to his estate "The Hermitage" near Trenton, where he died on February 4, 1809.

#### OLIVER ELLSWORTH, CONNECTICUT

Oliver Ellsworth was born in Windsor, Connecticut, on April 29, 1745. After studying under private tutors, he attended Yale for two years, graduated from Princeton in 1766, studied for the ministry but changed to law, was admitted to the bar in 1771, and began practicing in Windsor. From 1773 through 1775, he represented Windsor in the State general assembly, and, in 1775, after he moved to Hartford, he represented that city in the assembly from 1775 to 1776. From 1777 until 1785, he was state's attorney for Hartford County. Ellsworth represented Connecticut in the Continental Congress from 1777 through 1783. From 1780 through 1784, he was a member of the Governor's council. From 1785 until 1789, he was a judge on the state superior court. He was an active member of the Constitutional Convention in Philadelphia in 1787. Ellsworth was elected to the United States Senate in 1789, was reelected, and served from March 4, 1789, to March 8, 1796, when he resigned, having been appointed Chief Justice of the United States Supreme Court. Ellsworth retired from the bench in 1800 and was appointed Minister to France. He returned to the United States in 1801 and was again a member of the Governor's council from 1801 to 1807. He died in Windsor, Connecticut on November 26, 1807.

#### JONATHAN ELMER, NEW JERSEY

Born in Cedarville, New Jersey, on November 29, 1745, Jonathan Elmer was privately tutored and graduated with the first medical class from the University of Pennsylvania in 1768. He began to practice medicine in Bridgeton, New Jersey. Elmer served as sheriff of Cumberland County, represented the county in the provincial congress, and held a variety of other state and local offices. While an active member of the New Jersey militia, Elmer saw no active duty during the American Revolution. He was three separate times a member of the Continental Congress, from 1776 to 1778, from 1781 to 1784, and again from 1787 to 1788. Elmer was elected to the United States Senate and drew the two year term, serving from March 4, 1789, to March 3, 1791. Returning to New Jersey, he served as a surrogate judge and as presiding judge of the county court until 1814. Jonathan Elmer died at Bridgeton, New Jersey on September 3, 1817.

#### WILLIAM FEW, GEORGIA

William Few was born in Baltimore County, Maryland, on June 8, 1748, and

moved to North Carolina in 1758 with his family. Almost entirely self-educated, Few studied law, was admittted to the bar and began practicing in Augusta, Georgia. He was a member of the Georgia house of representatives, state surveyor general, a member of the executive council, and he represented Georgia in negotiations with the Indians on the frontier. Few and his brothers were ardently anti-British, and he actively participated in the Georgia militia during the Revolutionary War. He was a delegate to the Continental Congress, a member of the Constitutional Convention in Philadelphia, and later a member of the state convention to ratify the Constitution, which he supported. Few was elected to the United States Senate and served from March 4, 1789, until March 3, 1793. He returned to Georgia to become judge of the circuit court, and later moved to New York City, where he again became involved in politics. He was a member of the New York general assembly, a prison inspector, and city alderman. He ended his career as president of the City Bank of New York City. William Few died at Fishkill-on-the-Hudson, New York on July 16, 1828.

THEODORE FOSTER, RHODE ISLAND

Born in Brookfield, Massachusetts, on April 29, 1752, Theodore Foster graduated from Rhode Island College (now Brown University) in 1770. He studied law and began to practice in Providence, Rhode Island, in 1771. He served in the State general assembly from 1776 to 1782 and was appointed a judge of the court of admiralty in 1785, when Rhode Island finally ratified the Constitution, Foster was elected to the United States Senate. Reelected in 1791, and again in 1797, he served from June 7, 1790, to March 3, 1803. In 1800, his brother, Dwight Foster, became his Senate colleague from Massachusetts and the two served together for nearly three years. Theodore Foster retired from public life in 1803 to write a history of Rhode Island, but returned in 1812 to represent the town of Foster, which had been named for him, in the state general assembly until 1816. Theodore Foster died in Providence, Rhode Island on January 13, 1828.

WILLIAM GRAYSON, VIRGINIA

William Grayson was born in Prince William County, Virginia, in either 1736 or 1740. He attended the College of Philadelphia, now the University of Pennsylvania, and is said to have studied at Oxford College in England and at the Inns of Court in London. The outbreak of the American Revolution found him practicing law in Dumfries, Virginia. In 1776, he was commissioned lieutenant-colonel and aide-de-camp to General George Washington. He was promoted to colonel and took part in many of the major battles of the war. After the war, Grayson resumed the practice of law in Virginia and served in the Virginia house of delegates in 1784–1785 and 1788. He served in the Continental Congress from 1785 to 1787, and was a member of the Virginia convention to ratify the Constitution, which he opposed. He was elected to the United States Senate and served from March 4, 1789, until his death in Dumfries, Virginia on March 12, 1790.

JAMES GUNN, GEORGIA

James Gunn was born in Virginia on March 13, 1753. After attending the common schools, he studied law and was admitted to the bar. During the Revolutionary War, he served as a captain of a regiment of Virginia dragoons that saw action in Georgia and, after the war, he remained in Georgia to practice law in Savannah. In 1784, Gunn represented Chatham County in the state assembly and was elected justice of the peace of Chatham County. In 1787, he was elected to the Continental Congress, but he never attended its sessions. Elected to the United States Senate, and reelected in 1795, Gunn served from March 4, 1789, until March 3, 1801. He died in Louisville, Georgia on July 30, 1801.

BENJAMIN HAWKINS, NORTH CAROLINA

Benjamin Hawkins was born on August 15, 1754, in Warren County, North Carolina. At the outbreak of the American Revolution, he was a student at Princeton. Learning that General George Washington needed an interpreter to converse with his many French officers, Hawkins, who spoke French fluently, volunteered. He returned to North Carolina around 1778 and served the state in various capacities as a member of the legislature and commissioner to procure arms and munitions. Hawkins was a member of the Continental Congress from 1781 to 1784 and from 1786 to 1787. In 1785, he was appointed by the Congress to negotiate treaties with the Creek and Cherokee Indians. He was a member of the North Carolina ratifying convention, and upon that state's ratification of the Constitution, he was elected to the United States Senate and served from November 27, 1789, to March 3, 1795. He was appointed Indian agent for the Southern tribes by President Washington in 1796 and held the position until his death in Crawford County, Georgia on June 6, 1818.

JOHN HENRY, MARYLAND

Born at "Weston," on the Nanticoke River in Dorchester County, Maryland, in November, 1750, John Henry attended private schools and graduated from Princeton in 1769. After studying law at Middle Temple in London, he returned to Maryland and practiced law in Dorchester County. He was a member of the Maryland general assembly, a member of the state senate, and a member of the Continental Congress from 1778 to 1781 and from 1784 to 1787. He was elected to the United States Senate in 1789, reelected in 1795, and served from March 4, 1789, to December 10, 1797, when he resigned, having been elected Governor of Maryland. Henry retired from public life in 1798 and died on December 16 of that year at "Weston."

RALPH IZARD, SOUTH CAROLINA

Ralph Izard was born on his family's estate of "The Elms" on Goose Creek, near Charleston, South Carolina, on January 23, 1741, or 1742. As a boy, he was sent to England for his education, graduating from Christ College, Cambridge. After a short residence in the colonies, he returned to live in London in 1771 and then Paris in 1776. In 1777, he was appointed by the Continental Congress as commissioner to the Court of Tuscany and served until his recall in 1779. Izard returned to America and was a member of the Continental Congress from South Carolina in 1782 and 1783. In 1788, he was a member of the State convention to ratify the Constitution and, in 1788 and 1789, he was a member of the state house of representatives. Izard was elected to the United States Senate and served from March 4, 1789, to March 3, 1795. He served as President pro tempore during part of 1794 and 1795. He retired from public life and died near Charleston on May 30, 1804.

WILLIAM SAMUEL JOHNSON, CONNECTICUT

William Samuel Johnson was born in Stratford, Connecticut on October 7, 1727 was tutored by his father, graduated from Yale in 1744 and from Harvard in 1747 Abandoning plans to study for the ministry he studied law, was admitted to the bar, and began practice in Stratford. A member of the colonial Connecticut house of representatives in the early 1760's, he was also a delegate to the Stamp Act Congress in 1766. He was a member of the Connecticut upper house and the Governor's council and judge of the state supreme court. Johnson was elected a member of the Continental Congress in 1774 but declined to serve. He was not in sympathy with the revolutionary movement and his political career did not resume until the end of the war. Johnson served in the Continental Congress from 1784 to 1787, when he was named a delegate to the Constitutional Covention in Philadelphia. Johnson was elected to the United States Senate and served from March 4, 1789, to March 4, 1791, when he resigned to devote his full time to the presidency of Columbia College in New York City. He served as the college's first president from 1787 until 1800. William Johnson died in Stratford Connecticut on November 14, 1819.

SAMUEL JOHNSTON, NORTH CAROLINA

Born in Dundee, Scotland, on December 15, 1733, Samuel Johnston immigrated to America with his parents around 1736 and settled in Chowan County, North Carolina. He attended school in New England, studied law, was admitted to the bar, and practiced in Edenton, North Carolina. He was a member of the provincial assembly and served as clerk of the courts of Edenton district. Johnston held a variety of colonial posts and became a senator in the new state legislature. He was a member of the Continental Congress from 1780 to 1782. In 1787 he was elected Governor and was twice reelected, but in 1789 he resigned to become a United States Senator. He served in the Senate from November 27, 1789, to March 3, 1793. Returning to North Carolina, Johnston was judge of the superior court from 1800 to 1803. He died near Edenton, North Carolina on August 17, 1816.

RUFUS KING, NEW YORK

Born in Scarboro, Maine, on March 24, 1755, Rufus King attended a private academy and graduated from Harvard in 1777. He began to study law in Newburyport, Massachusetts, but interrupted his studies to fight briefly in the American Revolution. When King completed his law studies and was admitted to the bar, he began practice in Newburyport. He represented Newburyport in the Massachusetts general court from 1783 to 1785, and in 1784 he was elected to the Continental Congress, where he served until 1786. In 1787, King represented Massachusetts at the Constitutional Convention in Philadelphia and later was a member of the Massachusetts ratifying convention. In 1789, he moved to New York and won election to the state assembly. King was elected to the United States Senate in 1789, reelected in 1795, and served from July 16, 1789, until May 23, 1796, when he resigned. From 1796 to 1803, he was Minister to Great Britian. King was an unsuccessful Federalist candidate for Vice President in 1804 and 1808. In 1813, he was again elected to the United States Senate, reelected in 1819, and served from March 4, 1813 to March 3, 1825. He was an unsuccessful Federalist candidate for Governor of New York in 1815 and for

resident of the United States in 1816. He as again Minister to Great Britain from lay 1825 until June 1826. Rufus King died n April 29, 1827, in Jamaica, Long Island, ew York.

JOHN LANGDON, NEW HAMPSHIRE

John Langdon was born in Portsmouth, ew Hampshire, on June 22, 1741. While ill a boy, he went to sea, first as super-argo, then as captain of his own ship. In 775, he was elected to the first of several erms in the New Hampshire general court, nd was chosen speaker of the lower house uring several times. Langdon was a dele-ate to the Continental Congress in 1775 nd 1776, he resigned to superintend the onstruction of several ships of war. He aked his fortune to fund the infant Ameri-an navy and participated in several sea bat-es. Langdon was again a member of the ontinental Congress in 1783 and was Presi-ent of New Hampshire in 1785. He was a elegate to the Constitutional Convention 1787 and again a delegate to the Conti-ental Congress. He was several more times overnor of New Hampshire. Elected to the nited States Senate in 1789, he served rom March 4, 1789, to March 3, 1801, and as elected the first president pro tempore f the Senate on April 6, 1789. Langdon re-ised both the portfolio of Secretary of the avy and the nomination for Vice President 1812. He died in Portsmouth, New Hamp-hire on September 18, 1819.

RICHARD HENRY LEE, VIRGINIA

Richard Henry Lee was born at "Strat-rd," in Westmoreland County, Virginia, on anuary 20, 1732. Educated by private tors and at an academy in England, he re-rned to Virginia around 1751 and became stice of the peace for Westmoreland ounty. He was a member of the Virginia ouse of burgesses from 1758 to 1775, and of e state house of delegates, and a member f the Continental Congress from 1774 to 780, and again from 1784 to 1787, serving s President of the Congress in 1784. A ajor participant in the debates leading up the proclamation of the Declaration of dependence, Lee was a signer of the Dec-ration and the author of the first national hanksgiving Day proclamation issued by ongress in October 1777. During the Revo-tionary War, he served with the state mili-a. He was a member of the Virginia ratify-ng convention, where he opposed adoption f the Constitution. Elected to the United tates Senate, Lee served from March 4, 789, until his resignation on October 8, 792, due to ill health. He retired from ublic life and died at "Chantilly," West-oreland County, Virginia on June 19, 1794.

WILLIAM MACLAY, PENNSYLVANIA

Born on July 20, 1737, in New Garden, ennsylvania, William Maclay was privately tored, studied law, and was admitted to e bar in 1768. He served in the French nd Indian Wars and later took up survey-ng. He held various local offices prior to 776, served in the State militia during the evolutionary War, and became a member f the state legislature at the close of the ghting. Maclay was also a member of the ate supreme executive council, judge of e court of common pleas, deputy survey-r, and a member of commissions to exam-e the navigation of the Susquehanna iver and to treat with the Indians. He was lected to the United States Senate in 1789 nd drew a two year term. He served from larch 4, 1789, to March 3, 1791, when he etired to his farm. Again holding a variety f state and local offices, including the state house of representatives, presidential elector in 1796, and county judge, William Maclay died in Harrisburg, Pennsylvania on April 16, 1804.

JAMES MONROE, VIRGINIA

A distant cousin of William Grayson, whom he succeeded in the Senate in 1791, James Monroe was born in Westmoreland County, Virginia on April 28, 1758. He enrolled at the College of William and Mary but left after two years to serve as a lieutenant in the Virginia militia during the American Revolution. During one of the many battles in which he fought, he was seriously wounded. After the war, Monroe returned to Virginia to study law with Thomas Jefferson, and he served as aide to Jefferson when he was Governor of Virginia. He went on to become a member of the state assembly, of the executive council, and of the Continental Congress. He was a member of the Virginia ratifying convention, where he opposed ratification of the federal Constitution. He campaigned unsuccessfully against James Madison for election to the first United States House of Representatives. Monroe was elected to the United States Senate seat vacated by the death of William Grayson and served for November 9, 1790, until his resignation May 27, 1794. He served as Minister to France from 1794 to 1796, Governor of Virginia from 1799 to 1802, again as Minister to France in 1803, and as Minister to England from 1803 to 1807. Upon returning home, he was again elected to the state assembly and Governor and served as Secretary of State in the Cabinet of President Madison. Monroe was elected fifth President of the United States, re-elected, and served from 1817 to 1825. His last act in public life was as president of the Virginia constitutional convention in 1829. James Monroe died in New York City, where he had moved, on July 3, 1831.

ROBERT MORRIS, PENNSYLVANIA

Born in Liverpool, England, on January 31, 1734, Robert Morris immigrated to America in 1747 and settled in Oxford, Maryland, where he became a tobacco importer. He moved to Philadelphia, where he was a signer of the nonimportation agreement of 1765 and a member of the committee of safety. Very active in the Revolutionary cause, which he aided with his considerable fortune, Morris was known as the "financier of the Revolution." Morris was elected to the state assembly and the Continental Congress, and was a signer of the Declaration of Independence. He served as superintendent of finance for the new national government from 1781 to 1784, and was a delegate to the 1787 Constitutional Convention in Philadelphia. Morris was elected to the United States Senate and served from March 4, 1789, to March 3, 1795. He declined the position of Secretary of the Treasury in President Washington's Cabinet. Becoming financially involved in unsuccessful land speculations, Morris lost his fortune and was imprisoned for debt from 1798 to 1801. He died in Philadelphia on May 8, 1806.

WILLIAM PATERSON, NEW JERSEY

The Paterson family immigrated to America from County Antrim, Ireland, where William Paterson was born on December 24, 1745. The family moved from Pennsylvania to Connecticut, and then to New Jersey, where they finally settled. Paterson graduated from Princeton, studied law, was admitted to the bar, and began practice in New Jersey. He was a member of the New Jersey provincial congress, of the state senate, a delegate to the state constitutional convention, and attorney general of New Jersey. Though he was elected to the Continental Congress in 1780 and again in 1787, he declined to serve. Paterson was a delegate to the 1787 Constitutional Convention in Philadelphia. Elected to the United States Senate, he served from March 4, 1798, to November 13, 1790, when he resigned, having been elected Governor of New Jersey. He seved as Governor until 1793, when he resigned to become an associate justice of the United States Supreme Court, on which he served until his death in Albany, New York on September 9, 1806.

GEORGE READ, DELAWARE

George Read was born in Cecil County, Maryland on September 18, 1733. After preparatory studies, he studied law, was admitted to the bar and began practice in New Castle, Delaware. He was a member of the Continental Congress from 1774 to 1777, a signer of the Declaration of Independence, president of the state constitutional convention, and vice president of Delaware. Read was a delegate to the Constitutional Convention in Philadelphia in 1787. After service in the state house of representatives and as a judge of the United States Court of Appeals, Read was elected to the United States Senate and served from March 4, 1789, to September 18, 1793, when he resigned, having been appointed chief justice of Delaware. He served as chief justice until his death in New Castle, Delaware, September 21, 1798.

PHILIP JOHN SCHUYLER

Born in Albany, New York, on November 20, 1733, Philip John Schuyler was privately tutored. He served in the British Army during the last stage of the French and Indian Wars. Inheriting property from his father, Schuyler became a very prosperous land owner and developed saw mills, grist mills, and flax mills on his holdings. In sympathy with the Revolutionary cause, Schuyler was a member of the Continental Congress from 1775 to 1777, and again from 1778 to 1781, and was appointed a major general in the Continental Army in 1775. He served as state senator from 1780 to 1784, from 1786 to 1790, and from 1792 to 1797. Schulyer was elected to the United States Senate and served from March 4, 1789, to March 3, 1791, when he was an unsuccessful candidate for reelection. He was again elected to the United States Senate and served from March 4, 1797, to January 3, 1798, when he resigned due to ill health. Schuyler died in Albany, New York on November 18, 1804.

JOSEPH STANTON, JR., RHODE ISLAND

Joseph Stanton, Jr. was born in Charlestown, Rhode Island, on July 19, 1739, and privately tutored. He served in the British Army during the French and Indian Wars. From 1768 to 1774, he was a member of the Rhode Island house of representatives. During the Revolutionary War, Stanton served as a colonel in the Rhode Island militia. He was a delegate to the State constitutional convention in 1790. Elected to the United States Senate, he served from June 7, 1790, to March 3, 1793. He was again a member of the state house of representatives. In 1801, he was elected to the first of three terms in the United States Congress, serving from March 4, 1801, to March 3, 1807. He died in Charlestown, Rhode Island in 1807.

CALEB STRONG, MASSACHUSETTS

Born in Northampton, Massachusetts, on January 9, 1745, Caleb Strong studied under

private tutors, graduated from Harvard in 1764, studied law, was admitted to the bar, and commenced practice in 1772. Chosen a Northampton selectman in 1772, he served from 1774 throughout the Revolution on the town's committee of safety. He sat in the state general court in 1776 and was for twenty-four years county attorney. He was a delegate to the Massachusetts constitutional convention in 1779. In 1780, he declined a seat in the Continental Congress, becoming instead a state senator and serving until 1789. Strong was a member of the Constitutional Convention in 1787, and of the state ratifying convention. He was elected to the United States Senate in 1787, reelected in 1793, and served from March 4, 1789, until June 1, 1796, when he resigned. Strong was Governor of Massachusetts from 1800 to 1807 and again from 1812 to 1816. He died in Northampton, Massachusetts on November 7, 1819.

JOHN WALKER, VIRGINIA

Appointed to fill the Senate seat left vacant by the death of William Grayson, John Walker was born at "Castle Hill," in Albemarle County, Virginia, on February 13, 1744. He was privately tutored, and graduated from the College of William and Mary in 1764. A wealthy planter, Grayson served during the Revolutionary War as a colonel on the staff of General George Washington. Apparently, he held no public office prior to his appointment to the United States Senate, where he served from March 31 to November 9, 1790. He was not a candidate for the vacancy. Walker resumed his agricultural pursuits and died near Madison Mills, Orange County, Virginia on December 2, 1809.

PAINE WINGATE, NEW HAMPSHIRE

Born in Amesbury, Massachusetts, on May 14, 1739, Paine Wingate was a Harvard graduate and a congregational minister. In 1776, Wingate resigned from his New Hampshire congregation and became a farmer. He was a member of the state constitutional convention in 1781, and served in the state house of representatives in 1783. He was a member of the Continental Congress in 1787 and 1788. Elected to the United States Senate, he served from March 4, 1789, to March 3, 1793. He was elected to the Third Congress and served from March 3, 1793, to March 3, 1795. Wingate returned to New Hampshire to become a member of the state house of representatives in 1795 and a judge of the superior court of the state from 1798 to 1809. He died in Stratham, New Hampshire on March 7, 1838, at the age of ninety-nine.

## ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I have contacted the distinguished Republican leader. Under the order that was entered some few days ago, it was agreed that the majority leader would be authorized to call up at any time, after consultation with the Republican leader, S. 677, a bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes.

The Republican leader has authorized me to proceed to make that bill the pending order of business at 4 p.m. today.

## FEDERAL TRADE COMMISSION AUTHORIZATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 677 today at the hour of 4 p.m., and that, until then, the Senate stand in recess.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 4 P.M.

There being no objection, the Senate, at 3:16 p.m., recessed until 4:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LEVIN).

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. LEVIN). If there is no further morning business, morning business is closed.

## FEDERAL TRADE COMMISSION ACT AMENDMENTS OF 1987

The PRESIDING OFFICER. Under the previous order, the clerk will report Senate bill 677.

The assistant legislative clerk read as follows:

A bill (S. 677) to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are printed in italic.)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Federal Trade Commission Act Amendments of 1987".

UNFAIR METHODS OF COMPETITION

SEC. 2. Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following:

"(n) The Commission shall not have any authority to find a method of competition to be an unfair method of competition under subsection (a)(1) if, in any action under the Sherman Act, such method of competition would be held to constitute State action.".

AGRICULTURAL COOPERATIVES

SEC. 3. The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by redesignating section 24 and section 25 as section 26 and 27, respectively, and by inserting after section 23 the following new section:

"SEC. 24. (a) The Commission shall not have any authority to conduct any study, investigation, or prosecution of any agricultural cooperative for any conduct which, because of the provisions of the Act entitled 'An Act to authorize association of producers of agricultural products', approved February 18, 1922 (7 U.S.C. 291 et seq., commonly known as the Capper-Volstead Act), is not a violation of any of the antitrust Acts or this Act.

"(b) The Commission shall not have any authority to conduct any study or investigation of any agricultural marketing orders."

COMPENSATION IN PROCEEDINGS

SEC. 4. (a) Section 18(h) of the Federal Trade Commission Act (15 U.S.C. 57a(h)) is repealed, and subsections (i), (j), and (k) of section 18 are redesignated as subsections (h), (i), and (j), respectively.

(b) Section 18(a)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)) is amended by striking "subsection (i)" and inserting in lieu thereof "subsection (h)".

KNOWING VIOLATIONS OF ORDERS

SEC. 5. (a) Section 5(m)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)(B)) is amended by inserting "other than a consent order," immediately after "order" the first time it appears therein.

(b) Section 5(m)(2) of the Federal Trade Commission Act (15 U.S.C. 45(m)(2)) is amended by adding at the end thereof the following: "Upon request of any party to such an action against such defendant, the court shall also review the determination of law made by the Commission in the proceeding under subsection (b) that the act or practice which was the subject of such proceeding constituted an unfair or deceptive act or practice in violation of subsection (a).".

PREVALENCE OF UNLAWFUL ACTS OR PRACTICES

SEC. 6. Section 18(b) of the Federal Trade Commission Act (15 U.S.C. 57a(b)) is amended by adding at the end thereof the following:

"(3) The Commission shall issue a notice of proposed rulemaking pursuant to paragraph (1)(A) only where it has reason to believe that the unfair or deceptive acts or practices which are the subject of the proposed rulemaking are prevalent. The Commission shall make a determination that unfair or deceptive acts or practices are prevalent under this paragraph only if it has issued cease and desist orders regarding such acts or practices, or any other information available to the Commission indicates a pattern of unfair or deceptive acts or practices.".

EFFECTIVE DATE OF ORDERS

SEC. 7. (a) Section 5(g)(2) of the Federal Trade Commission Act (15 U.S.C. 45(g)(2)) is amended to read as follows:

"(2) Upon the sixtieth day after such order is served, if a petition for review has been duly filed, except that any such order may be stayed, in whole or in part and subject to such conditions as may be appropriate, by—

"(A) the Commission;

"(B) an appropriate court of appeals of the United States, if (i) a petition for review of such order is pending in such court, and (ii) an application for such a stay was previously submitted to the Commission and the Commission, within the thirty-day period beginning on the date the application was received by the Commission, either denied the application or did not grant or deny the application; or

"(C) the Supreme Court, if an applicable petition for certiorari is pending; or".

(b) Section 5(g)(3) of the Federal Trade Commission Act (15 U.S.C. 45(g)(3)) is amended to read as follows:

"(3) For purposes of section 19(a)(2) and section 5(m)(1)(B), if a petition for review of the order of the Commission has been filed—

"(A) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals and no petition for certiorari has been duly filed;

"(B) upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals; or

"(C) upon the expiration of thirty days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed; or".

(c) Section 5(g)(4) of the Federal Trade Commission Act (15 U.S.C. 45(g)(4)) is amended to read as follows:

"(4) In the case of an order requiring a person, partnership, or corporation to divest itself of stock, other share capital, or assets, if a petition for review of such order of the Commission has been filed—

"(A) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals and no petition for certiorari has been duly filed;

"(B) upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals; or

"(C) upon the expiration of thirty days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed.".

CIVIL INVESTIGATIVE DEMANDS

SEC. 8. (a) Section 20(a) of the Federal Trade Commission Act (15 U.S.C. 57b-1(a)) is amended—

(1) in paragraph (2), by striking "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "act or practice or method of competition declared unlawful by a law administered by the Commission";

(2) in paragraph (3), by striking "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "acts or practices or methods of competition declared unlawful by a law administered by the Commission"; and

(3) in paragraph (7), by striking "unfair or deceptive act or practice in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "act or practice or method of competition declared unlawful by a law administered by the Commission".

(b) Section 20(b) of the Federal Trade Commission Act (15 U.S.C. 57b-1(b)) is amended by striking "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "any act or practice or method of competition declared unlawful by a law administered by the Commission".

(c) Section 20(c)(1) of the Federal Trade Commission Act (15 U.S.C. 57b-1(c)) is amended by striking "unfair or deceptive Acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "any act or practice or method of competition declared unlawful by a law administered by the Commission".

*(d) Section 20(j) of the Federal Trade Commission Act (15 U.S.C. 57b-1(j)) is amended by inserting immediately before the semicolon the following: ", any proceeding under section 11(b) of the Clayton Act, or any adjudicative proceeding under any other provision of law".*

DEFINITION OF UNFAIR ACTS OR PRACTICES

SEC. 9. Section 5 of the Federal Trade Commission Act (15 U.S.C. 45), as amended by section 2 of this Act, is further amended by adding at the end thereof the following:

[(o)] *"(o)* The Commission shall have no authority under this section or section 18 to declare unlawful an act or practice on the grounds that such act or practice is unfair unless the act or practice causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition.".

CREDIT UNIONS

SEC. 10. (a) Sections 5(a)(2), 6(a), and 6(b) of the Federal Trade Commission Act (15 U.S.C. 45 (a)(2), 46(a), and 46(b)) are amended by inserting immediately after "section 18(f)(3)," the following: "Federal credit unions described in section 18 (f)(4),".

(b) The second proviso in section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended—

(1) by inserting immediately after "section 18(f)(3)," the following: "Federal credit unions described in section 18(f)(4),"; and

(2) by inserting immediately after "in business as a savings and loan [institution"] *institution,"* the following: ", in business as a Federal credit union,".

(c)(1) The second sentence of section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended by inserting immediately after "paragraph (3))" the following: "and the National Credit Union Administration Board (with respect to Federal credit unions described in paragraph (4))".

(2) The last sentence of section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended—

(A) by striking "either such" and inserting in lieu thereof "any such";

(B) by inserting "or Federal credit unions described in paragraph (4)," immediately after "paragraph (3)," each place it appears therein; and

(C) by inserting immediately after "with respect to banks" the following: ", savings and loan institutions or Federal credit unions".

(3) Section 18(f) of the Federal Trade Commission Act (15 U.S.C. 57a(f)) is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and by inserting immediately after paragraph (3) the following:

"(4) Compliance with regulations prescribed under this subsection shall be enforced with respect to Federal credit unions under sections 120 and 206 of the Federal Credit Union Act (12 U.S.C. 1766 and 1786).".

COMMERCIAL ADVERTISING

SEC. 11. Section 18(h) of the Federal Trade Commission Act (15 U.S.C. 57a(h)), as so redesignated in section 4(a) of this Act, is amended by adding at the end thereof the following: "The Commission shall have no authority under this section to initiate any new rulemaking proceeding which is intended to or may result in the promulgation of any rule by the Commission which prohibits or otherwise regulates any commercial advertising on the basis of a determination by the Commission that such commercial advertising constitutes an unfair act or practice in or affecting commerce.".

REPORT

SEC. 12. (a) The Federal Trade Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives the information specified in subsection (b) of this section every six months during each of the fiscal years 1988, 1989, and 1990. Each such report shall contain such information for the period since the last submission under this section.

(b) Each such report shall list and describe, with respect to instances in which resale price maintenance has been suspected or alleged—

(1) each complaint made, orally or in writing, to the offices of the Commission;

(2) each preliminary investigation opened or closed at the Commission;

(3) each formal investigation opened or closed at the Commission;

(4) each recommendation for the issuance of a complaint forwarded by the staff to the Commission;

(5) each complaint issued by the Commission pursuant to section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(6) each opinion and order entered by the Commission;

(7) each consent agreement accepted provisionally or finally by the Commission;

(8) each request for modification of an outstanding Commission order filed with the Commission;

(9) each recommendation by staff pertaining to a request for modification of an outstanding Commission order; and

(10) each disposition by the Commission of a request for modification of an outstanding Commission order.

Such report shall include the sum total of matters in each category specified in paragraphs (1) through (10) of this subsection, and copies of all such consent agreements and complaints executed by the Commission. Where a matter has been closed or terminated, the report shall include a statement of the reasons for that disposition. The description required under this subsection shall be as complete as possible but shall not reveal the identity of persons or companies making the complaint or those complained about or those subject to investigation that have not otherwise been made public.

CONGRESSIONAL REVIEW OF RULES

SEC. 13. (a) The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 24, as added by section 3 of this Act, the following new section:

"SEC. 25. (a) For purposes of this section, the term—

"(1) 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the final rule promulgated by the Federal Trade Commission dealing with the matter of , which final rule was submitted to Congress on is disapproved.', the first blank being filled with the subject of the rule and such further description as may be necessary to identify it, and the second blank being filled with the date of submittal of the rule to the Congress; and

"(2) 'rule' means any rule promulgated by the Commission pursuant to this Act other than a rule promulgated under section 18(a)(1)(A).

"(b) The Commission, after promulgating a final rule, shall submit such final rule to the Congress for review in accordance with this section. Such final rule shall be deliv-

ered to each House of the Congress on the same day and to each House of Congress while it is in session.

"(c) Any final rule of the Commission shall become effective in accordance with its terms unless before the end of the period of ninety days of continuous session of Congress after the date such final rule is submitted to the Congress a joint resolution disapproving such final rule is enacted into law.

"(d)(1) If a final rule of the Commission is disapproved in accordance with this section, the Commission may promulgate another final rule which relates to the same acts or practices as the rule which was disapproved. Such other final rule—

"(A) shall be based upon—

"(i) the rulemaking record of the disapproved final rule; or

"(ii) such rulemaking record and any record established in supplemental rulemaking proceedings conducted by the Commission; and

"(B) may contain such changes as the Commission considers necessary or appropriate.

Supplemental rulemaking proceedings referred to in subparagraph (A)(ii) of this paragraph may be conducted in accordance with section 553 of title 5, United States Code, if the Commission determines that it is necessary to supplement the existing rulemaking record.

"(2) The Commission, after promulgating a final rule under this subsection, shall submit the final rule to Congress in accordance with subsection (a) of this section.

"(e) Congressional inaction on a joint resolution disapproving a final rule of the Commission shall not be construed—

"(1) as an expression of approval of such rule, or

"(2) as creating any presumption of validity with respect to such rule.

"(f)(1)(A) For purposes of subsection (c) of this section, continuity of session is broken only by an adjournment sine die at the end of the second regular session of a Congress.

"(B) The days on which either House of Congress is not in session because of an adjournment of more than five days to a day certain are excluded in the computation of the period specified in subsection (c) of this section.

"(2)(A) In any case in which a final rule of the Commission is prevented from becoming effective by an adjournment sine die at the end of the second regular session of the Congress before the expiration of the period specified in subsection (c) of this section, the Commission shall resubmit such rule at the beginning of the first regular session of the next Congress.

"(B) The period specified in subsection (c) of this section shall begin on the date of a resubmission under subparagraph (A) of this paragraph.".

(b) Section 21 of the Federal Trade Commission Improvements Act of 1980 (15 U.S.C. 57a-1) is repealed.

REPORT ON PREDATORY PRICING PRACTICES

SEC. 14. (a) The Federal Trade Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives the information specified in subsection (b) of this section every six months during each of the fiscal years 1988, 1989 and 1990. Each such report shall contain such information for the period since the last submission under this section.

(b) Each such report shall list and describe, with respect to instances in which predatory pricing practices have been suspected or alleged—

(1) each complaint made, orally or in writing, to the offices of the Commission;

(2) each preliminary investigation opened or closed at the Commission;

(3) each [normal] *formal* investigation opened or closed at the Commission;

(4) each recommendation for the issuance of a complaint forwarded by the staff to the Commission;

(5) each complaint issued by the Commission;

(6) each opinion and order entered by the Commission;

(7) each consent agreement accepted provisionally or finally by the Commission;

(8) each request for modification of an outstanding Commission order filed with the Commission;

(9) each recommendation by staff pertaining to a request for modification of an outstanding Commission order; and

(10) each disposition by the Commission of a request for modification of an outstanding Commission order.

Such report shall include copies of all such consent agreements and complaints executed by the Commission referred to in such report. Where a matter has been closed or terminated, the report shall include a statement of the reasons for that disposition. The descriptions required under this subsection shall be as complete as possible but shall not reveal the identity of persons or companies making the complaint or those complained about or those subject to ivestigation that have not otherwise been made public. The report shall include any evaluation by the Commission of the potential impacts of predatory pricing upon businesses (including small businesses).

INTERVENTION BY COMMISSION IN CERTAIN PROCEEDINGS

SEC. 15. (a) The Federal Trade Commission shall not have any authority to use any funds which are authorized to be appropriated to carry out the Federal Trade Commission Act (15 U.S.C. 41 et seq.) for fiscal year 1988, 1989, or 1990, for the purpose of submitting statements to, appearing before, or intervening in the proceedings of, any Federal or State agency unless the Commission advises the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives, at least sixty days before any such proposed action, or, if such advance notice is not practicable, as far in advance of such proposed action as is practicable.

(b) The notice required in subsection (a) of this section shall include the name of the agency involved, the date upon which the Federal Trade Commission will first appear, intervene, or submit comments, a concise statement regarding the nature and purpose of the proposed action of the Commission, and, in any case in which advance notice of sixty days is not practicable, a concise statement of the reasons such notice is not practicable.

NATIVE AMERICAN ARTS AND CRAFTS

SEC. 16. The Federal Trade Commission shall investigate the marketing of imitation Native American arts, crafts, and jewelry. The Commission shall, upon the expiration of eighteen months after the date of enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Energy and Commerce of the House of Representatives on the investigation made under this section.

REGIONAL OFFICES

SEC. 17. The [Chairman of the] Federal Trade Commission shall, from funds appropriated pursuant to the authorization contained in section 13 of this Act, redirect not less than $858,000 in each of the fiscal years 1988, 1989 and 1990 to support of activities undertaken by the regional offices of the Federal Trade Commission. Not less than $500,000 of such amount shall be redirected from amounts made available for activities undertaken within the Economic Activities Mission and the Office of Policy Development, and the remainder of such amount shall not be redirected from amounts made available for law enforcement activities. [The] *In addition to the funds specified in this section, the* Federal Trade Commission shall in fiscal years 1988, 1989 and 1990 maintain such regional offices at the locations, and at not less than the funding level, which existed for such offices on the date of enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 18. Section 26 of the Federal Trade Commission Act, as so redesignated by section 3 of this Act, is amended—

(1) by striking "and" after "1981,"; and

(2) by inserting immediately before the period at the end thereof the following: "; not to exceed [$70,850,000] *$69,850,000* for the fiscal year ending September 30, 1988; not to exceed [$71,850,000] *$70,850,000* for the fiscal year ending September 30, 1989; and not to exceed [$72,850,000] *$71,850,000* for the fiscal year ending September 30, 1990, and such additional sums for the fiscal years ending September 30, 1989 and September 30, 1990, as may be necessary for increases in salary, pay, and other employee benefits as authorized by law".

EFFECTIVE DATE

SEC. 19. (a) Except as provided in subsections (b), (c) [and (d)], *(d) and (e)* of this section, the provisions of this Act shall take effect on the date of enactment of this Act.

(b) The amendment made by section 2 of this Act shall apply only with respect to proceedings under section 5 of the Federal Trade Commission Act after the date of enactment of this Act. This amendment shall not be construed to affect in any manner a cease and desist order which was issued, or a rule which was promulgated, before the date of enactment of this Act. This amendment shall not be construed to affect in any manner a cease and desist order issued after the date of enactment of this Act, if such order was issued pursuant to remand from a court of appeals or the Supreme Court of an order issued by the Federal Trade Commission before the date of enactment of this Act.

(c) The amendments made by sections 7 and 9 of this Act shall apply only with respect to cease and desist orders issued under section 5 of the Federal Trade Commission Act (15 U.S.C. 45), or to rules promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a), after the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease and desist order which was issued, or a rule which was promulgated, before the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease and desist order issued after the date of enactment of this Act, if such order was issued pursuant

o remand from a court of appeals or the Supreme Court of an order issued by the Federal Trade Commission before the date of enactment of this Act.

(d) The amendments made by sections 6 and 11 of this Act shall apply only to rulemaking proceedings initiated after the date of enactment of this Act. These amendments shall not be construed to affect in any manner a rulemaking proceeding which was initiated before the date of enactment of this Act.

*(e) The amendments made by section 8 of this Act shall apply only with respect to compulsory process issued after the date of enactment of this Act.*

(Mr. BREAUX assumed the chair.)

Mr. GORE. Mr. President, I am pleased to speak in support of S. 677, the Federal Trade Commission [FTC] Act Amendments of 1987, which I originally introduced with a number of cosponsors. This legislation will reauthorize the FTC and make certain important changes in its authority.

I wish to urge my colleagues on both sides of the aisle to support this legislation. We will be turning to a few amendments shortly.

This legislation was introduced on March 6, 1987, following 2 days of hearings in early February. The bill was overwhelmingly approved by the Senate Commerce Committee during an executive session on March 10, 1987.

I am pleased to count as cosponsors, the distinguished chairman of the Senate Commerce Committee, the Senator from South Carolina [Mr. HOLLINGS], as well as the ranking Republican on the committee, the distinguished Senator from Missouri [Mr. DANFORTH]. In addition, this important legislation is cosponsored by the members of the Commerce Committee Consumer Subcommittee. Two former chairmen of the Consumer Subcommittee, the Senator from Kentucky [Mr. FORD] and the Senator from Wisconsin [Mr. KASTEN], are members of the Consumer Subcommittee; their leadership over the years on these issues has left its mark in many ways, not the least of which may be found in the framework of this legislation. I am also pleased to have the cosponsorship of the Consumer Subcommittee's two new members, the Senator from Louisiana [Mr. BREAUX], and the Senator from Arizona [Mr. MCCAIN], the new ranking member of the subcommittee.

Mr. President, the FTC's mission—to protect consumers and businesses from unfair competition and unfair or deceptive acts or practices—is a mission whose importance has not diminished over the history of the Commission. The FTC prevents anticompetitive conduct by businesses through the Commission's unfair or deceptive acts or practices authority and exercises enforcement authority through case-by-case adjudication and through industrywide trade rules to prohibit "unfair or deceptive" practices.

Since the last FTC authorization, the Improvement Act of 1980 expired at the end of fiscal year 1982, the Commerce Committee has held numerous authorization hearings and reported three authorization bills to the full Senate. Despite these efforts, however, the FTC has been without a formal authorization since 1982.

Mr. President, I think it particularly important to avoid loading this legislation with additional issues of controversy. My goal is for a law to be enacted as soon as possible. Our subcommittee intends to hold oversight hearings on the agency later in the year, at which time other issues will be addressed in some detail.

Due principally to dissatisfaction with the FTC's exercise of its section 18 consumer protection rulemaking authority, Congress modified some of the Commission's procedures in the FTC Improvement Act of 1980. Some of these congressional limitations on the FTC's authority were designed to carry with them a limited lifespan; they were enacted for the life of the 1980 authorization bill, which expired in 1982. Yet the FTC, as I mentioned, has been without an authorization since that time and amendments have been added during the FTC appropriations process maintaining the 1980 act's limitations.

The bill reported by the committee in the 99th Congress, S. 1078, gained the overwhelming approval of the full Senate. However, issues concerning the extent of the agency's substantive authority could not be resolved in the conference, and the legislation unfortunately failed to become law. In Consumer Subcommittee hearings in February 1987, witnesses addressed these and other issues. The additional issues included the scope of FTC authority to regulate advertising, and the Commission's authority to investigate agricultural cooperatives and the insurance industry.

S. 1078, the FTC authorization legislation approved by the Senate in the 99th Congress, contained a number of FTC authority and procedural reforms. S. 677, the bill we are considering today is similar to the legislation approved in the 99th Congress. This bill provides new FTC funding authority for fiscal year 1988 in the amount of the administration's request. Modest increases are included for fiscal years 1989 and 1990.

Our bill also contains all the provisions concerning FTC authority and procedure that were included in S. 1078 as it passed the Senate during the 99th Congress, except for S. 1078's prohibition on FTC authority to challenge trademark validity under the Lanham Act and S. 1078's requirement that the FTC consult the Department of Agriculture prior to suing an agricultural cooperative.

This bill contains a new statutory limitation on the Commission's authority to invalidate certain State laws. This provision is prompted by the "State action" doctrine, a judicially developed antitrust exemption for anticompetitive conduct when that conduct is in accord with clearly articulated State policy and is actively supervised by the State. The new provision would add language to section 5 of the FTC Act precluding the exercise of FTC authority to find an unfair method of competition if that method would constitute "State action."

In addition, this bill would add a new section to the FTC Act to make permanent the temporary prohibition of FTC studies, investigations or prosecutions of agricultural cooperatives for conduct falling within the limited antitrust immunity established by the Capper-Volstead Act. Commission studies or investigations of marketing orders would also be prohibited.

As included in previous FTC authorization legislation approved by the Senate, this bill would repeal FTC authority under section 18(h) of the FTC Act to compensate public participants in Commission rulemaking proceedings. Similarly, this bill retains earlier Senate language amending section 5(m)(1)(B) of the FTC Act with regard to the FTC's authority to pursue civil penalty action in Federal court against one company for a penalty actions in Federal court against one company for a knowing violation of an order entered against a different company. The new language would permit the defendant to challenge in court the legal basis for the Commission's prior order, thereby codifying the U.S. district court decision in United States versus Braswell, Inc.

This bill would further amend the FTC Act by changing section 18(b) of the act to permit the Commission to issue a notice of proposed rulemaking only where it has reason to believe that the challenged conduct is prevalent in the industry. In order to conform Commission practice to that of other Federal agencies, this bill would also amend section 5(g) of the FTC Act to eliminate the requirement for an automatic stay of Commission cease and desist orders pending appeal, and, with some exceptions, provide instead that Commission orders may be stayed by the Commission or by the courts during the appeal process.

In an effort to require the Commission to conduct antitrust investigations in the same fashion that it conducts consumer protection investigations, this bill would extend the "civil investigative demand" document procedures contained in section 20 of the FTC Act to investigations concerning any act or practice or method of com-

petition declared unlawful under a law administered by the Commission.

This bill also adds a new provision to section 5 of the FTC Act in order to circumscribe the Commission's consumer unfairness authority for both rulemaking and case-by-case adjudications. The new provision would limit unlawful "unfair acts or practices" to acts or practices that have caused or are likely to cause substantial injury to consumers which may not be reasonably avoided by consumers themselves and is not outweighed by countervailing benefits to consumers or to competition.

As provided for in previous Senate FTC authorization legislation, this bill would amend sections 5, 6, and 18 of the FTC Act to exempt Federal credit unions from Commission jurisdiction on the same basis that banks and savings and loans are now exempt. Federal credit unions are regulated by the National Credit Union Administration.

An additional provision of this bill would amend section 18 of the FTC Act to make permanent the temporary provision prohibiting the Commission from initiating any new rulemaking proceeding prohibiting or otherwise regulating commercial advertising on the basis that such advertising is an unfair act or practice. The bill would also require the Commission to report semiannually to the House and Senate Commerce Committees on FTC enforcement activities in the areas of resale price maintenance and predatory pricing. Similarly, this bill would prohibit funding for FTC intervention in Federal or State agency proceedings absent notification of the Senate and House Commerce Committees.

The bill contains a 90-day report-and-wait provision providing for congressional disapproval of FTC rules through the adoption of a joint resolution. This bill would also require the FTC to investigate and report to Congress on the marketing of imitation native American arts, crafts, and jewelry.

Finally, because the regional offices are of fundamental importance in carrying out law enforcement activities, this bill would require the FTC to redirect $858,000 to activities of the regional offices, with at least $500,000 of those redirected funds to come from activities within the economic activities mission and the Office of Policy Development. Keeping in mind that the focus of this provision is FTC enforcement, this bill further requires that the remainder cannot be redirected from amounts made available for law enforcement activities. The bill requires that for fiscal years 1988, 1989, and 1990, regional offices must be maintained at the locations, and at not less than the proposed regional office budget submission to Congress for fiscal year 1988, in addition to the $858,000 provided for in the bill.

During former Chairman James Miller's tenure at the FTC, an agreement was reached with members of the House and Senate Appropriations Committees to maintain the size of each regional office at 18 work-years, on an annualized basis or the existing level, whichever is less. Since 1981, both funding resources and work-year allocations for the regional offices have decreased appreciably. Work-year reductions by operational unit from fiscal year 1981 through fiscal year 1987, reflect a disproportionate reduction of 57 percent incurred by the regional offices, as compared to a 29-percent reduction for the rest of the agency. FTC regional offices have consistently performed law enforcement activities at highly productive levels even with reduced funding and work-year allocations.

The regional offices are fundamentally important to the FTC's law enforcement mission and to its ability to maintain an effective presence with both the business community, consumers, and other Federal, State, and local agencies. I believe that law enforcement activity in times of limited resources is a more appropriate funding priority than non-law-enforcement research, a view that is supported by the 1983 Grace Commission's report—to limit costs in Government. This legislation is intended to assure the continued viability of the regional offices to continue to effectively carry out the law enforcement mission of the agency.

Mr. President, in conclusion let me express my strong view that this authorization is essential. I want to again urge my colleagues on both sides of the aisle to support this legislation and reaffirm the Senate's commitment to the FTC and its mission.

Mr. President, I ask unanimous consent that during the consideration of S. 677, the Federal Trade Commission Act Amendments of 1987, the following staff be permitted on the Senate floor. Amy Bondurant, Kevin Curtin, Thurgood Marshall, Jr., Linda Morgan, Steve Palmer, and David St. John.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, the bill before the Senate, S. 677 reauthorizes the Federal Trade Commission for fiscal years 1988, 1989, and 1990 and makes important changes in the Federal Trade Commission Act.

The FTC has an important function—to protect consumers from unfair methods of competition and unfair or deceptive acts or practices. There are few areas of commerce in which consumers are not, in some way, affected by the activities of the Federal Trade Commission. Among the acts under which the Commission enforces its regulatory and administrative au thority are the Federal Trade Com mission Act, the Clayton Act, th Hart-Scott-Rodino Act, the Federa Cigarette Labeling and Advertisin Act of 1966, and the Consumer Credi Protection Act. During the 1986 fisca year, the Commission initiated pro ceedings to block or modify mergers i various industries; eliminate anticom petitive commercial practices; an police advertising, marketing, an credit practices.

Unfortunately, the FTC has no been authorized since 1982. As man of my colleagues know better than I the FTC has been unauthorized sinc that time, largely because of a serie of controversies concerning the area in which the FTC should be permitte to regulate and the form that such regulation should take. Most of these controversies date from a time when the FTC was referred to as the "na tional nanny" and a "rogue agency." Some of the controversies have been resolved temporarily, pending passage of this legislation, and some will be resolved when this legislation is finally enacted into law. But Mr. President, in order to put these controversies to rest fully, passage of this bill is a necessity.

This bill before the Senate today is a balanced bill. It will streamline the FTC's operations and ensure that it can efficiently and expeditiously enforce the law. For instance, it eliminates automatic stays of Commission orders, a frequent cause of unnecessary delay in Commission law enforcement proceedings. At the same time the bill contains important modifications to clarify the scope of the Commission's regulatory authority. The bill provides, for example, that the FTC may initiate a rulemaking regarding a practice only when the Commission has reason to believe that the practice is prevalent in the industry.

Also included in S. 677 are provisions to recognize the application of the state action antitrust doctrine to a portion of the FTC's authority, define the meaning of unfair as it relates to the Commission's unfair acts and practices authority, and direct that a larger portion of the FTC's budget be allocated to its regional offices.

Enactment of this legislation will put to rest a great many controversies concerning the FTC, but it will not mean that Congress can simply forget about the FTC for the next 3 years. Instead, S. 677 ensures that Congress will continue to play an active role with regard to the consumer protection and antitrust activities of the FTC. Too often, Congress has delegated its authority in these areas to bureaucrats and then complained about the results when the laws are not enforced as they were intended to be. This legislation, however, imposes extensive congressional reporting re-

quirements on the FTC with regard to some of its law unforcement and advisory activities. In addition, the bill provided for a 90-day congressional review period with regard to new FTC rules. It also requires the FTC to initiate an investigation of counterfeit native American arts and crafts and report back to Congress on its findings.

I would like to express my special appreciation to my colleague from Tennessee, Senator GORE, for his interest in that issue which is a very important one to all of our native Americans across this country.

Mr. President, passage of this authorization will reaffirm congressional support for the FTC and restore order to the legislative process. The bill before the Senate today is the product of 13 days of hearings during the three preceding Congresses and the current Congress. It is similar to legislation approved by the Senate during the last Congress by a vote of 84 to 5. In light of the prolonged consideration of this legislation, its broad support, and its importance, I would hope, Mr. President, that it can be acted on expeditiously.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. Mr. President, the Senate is today considering S. 677, the Federal Trade Commission Act Amendments of 1987. This measure, which provides a 3-year authorization for the agency, makes important changes in the agency's authority and procedures.

The last formal authorization of the FTC was the FTC Improvements Act of 1980 lelgislation, which expired in 1982. The Agency has been without an authorization since that time. Two years ago, in hearings held by the Committee on Commerce, Science, and Transportation, a witness testified as to the "climate of uncertainty and confusion with respect to the jurisdiction of the FTC" due to the lack of an authorization. Certainly, the passage of time has made this concern even greater. Therefore, the Senate Commerce Committee has made passage of this legislation a priority.

Under the original FTC Act, the Commission seeks to prevent anticompetitive conduct through its authority over "unfair methods of competition," and to protect consumers through its "unfair or deceptive acts or practices" authority. In 1975, Congress acted to provide the agency explicit authority and detailed new procedures for promulgating trade rules to prohibit "unfair or deceptive acts or practices." And in 1980, out of dissatisfaction with the Commission's exercise of its consumer protection rulemaking authority, Congress redirected some of the agency's rulemaking and added additional rulemaking procedures. Unfortunately, key provisions of the 1980 act were tied to the time period of the authorization and expired with the authorization. However, through the appropriations process, my colleagues and I have been able to secure continuation of these important provisions through fiscal year 1987.

The bill we are considering today contains a 3-year authorization of appropriations for the Federal Trade Commission. It provides funding for fiscal year 1988 at the level of the administration's request, $69.9 million, and it provides for modest increases for fiscal years 1989 and 1990.

In addition, this bill contains most of the provisions that were contained in S. 1078, the FTC reauthorization bill of the 99th Congress. That bill was reported by the Commerce Committee and passed the Senate but died in conference. It contained a number of important reforms in FTC authority and procedure that were adopted by the committee after hearings in the 97th, 98th, and 99th Congresses.

The bill we are considering today contains provisions addressing the scope of FTC authority with respect to agricultural cooperatives and the agency's treatment of unfair advertising. The bill also includes a statutory definition of "unfair acts or practices," the requirement of a showing that challenged conduct is prevalent in an industry as a prerequisite for FTC rulemaking, and codification of the so-called Braswell standard of review for knowing violations of FTC orders.

In addition, the bill contains: a report and wait provision providing for congressional review of rules; a reporting requirement on enforcement activities in the area of predatory pricing; a notification requirement if the FTC intervenes in other State or Federal proceedings; and a requirement that the FTC investigate the marketing of imitation native American arts, crafts and jewelry, and report to the Congress.

Finally, the bill redirects funding to the regional offices. This moves in the direction of the agreement reached between the former chairman of the Agency and members of the Appropriations Committee in 1982 regarding the minimum level of funding for the regional offices. The regional offices are fundamentally important to the law enforcement mission of the agency.

Mr. President, this legislation reflects years of work by the Commerce Committee. It authorizes an agency with an extremely important mission to fulfill—the protection of consumers and businesses from unfair or deceptive acts or practices. I encourage my colleagues to vote favorably for this important legislation.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

AMENDMENT NO. 79

(Purpose: To provide for congressional review of the rules promulgated by the Federal Trade Commission)

Mr. LEVIN. Mr. President, I send an amendment to the desk in behalf of myself, Senator GRASSLEY, Senator BOREN, Senator DECONCINI, and Senator SIMPSON.

The PRESIDING OFFICER. The Chair states that currently pending are committee amendments to the bill which have to be dispensed with prior to the consideration of other amendments.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending committee amendments be temporarily set aside.

Mr. GORE. Reserving the right to object, Mr. President, with the indulgence of the Senator from Michigan, I wish to move adoption of the committee amendments. I do not believe there is any objection to that if this is an appropriate time to do that. I ask unanimous consent that they be considered en bloc and I move their adoption.

COMMITTEE AMENDMENTS AGREED TO

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Without objection, the question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

Mr. LEVIN. I thank the Chair. I ask for immediate consideration of my amendment.

The PRESIDING OFFICER. The amendment will be stated. The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for himself, Mr. GRASSLEY, Mr. BOREN, Mr. DECONCINI, and Mr. SIMPSON, proposes an amendment numbered 79.

On page 12, beginning with line 18, strike out through line 14 on page 15 and insert in lieu thereof the following:

CONGRESSIONAL REVIEW OF RULES

SEC. 13. (a) The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 24, as added by section 3 of this Act, the following new section.

"SEC. 25. (a) For purposes of this section, the term—

"(1) 'appropriate committee' means either the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Energy and Commerce of the House of Representatives, as the case may be;

"(2) 'joint resolution' means a joint resolution which does not contain a preamble and the matter after the resolving clause of

which is as follows: 'That the Senate and the House of Representatives disapprove the rule entitled ————, transmitted to the Congress by the Federal Trade Commission on ——, 19—.', the blank spaces being filled with the appropriate title of the rule and the date of transmittal of the rule to the Congress, respectively; and

"(3) 'rule' means any rule promulgated by the Commission pursuant to this Act, other than any rule promulgated under section 18(a)(1)(A) and any interpretive or procedural rule.

"(b)(1) Except as provided in subsection (g)(1), on the day the Commission forwards to the Federal Register for publication a recommended rule, the Commission shall transmit a copy of such rule to the Secretary of the Senate and the Clerk of the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives are authorized to receive a recommended rule under this subsection whether the appropriate House is in session, stands in adjournment, or is in recess.

"(2) On the day on which the Secretary of the Senate and the Clerk of the House of Representatives receive a recommended rule, the Secretary and the Clerk shall transmit a copy of such rule to the appropriate committees.

"(c)(1) Notwithstanding any other provision of law, no recommended rule may become effective until the expiration of a period of ninety days after the date on which such rule is received by the Secretary of the Senate and the Clerk of the House of Representatives, except that such rule may not become effective under this paragraph if within such ninety-day period a joint resolution with respect to such rule has become law.

"(2) for purposes of this section—

"(A) the term 'days' means only days of continuous session of Congress;

"(B) continuity of session is broken only by an adjournment sine die at the end of a Congress; and

"(C) the days on which either House is not in session because of an adjournment or recess to a day certain shall be excluded in the computation of days of continuous session of Congress for the ninety-day period referred to in this subsection if the adjournment is for more than five days.

"(d) Notwithstanding any other provision of law, any rule subject to this section shall be considered a recommendation of the Commission to the Congress and shall have no force and effect as a rule unless such rule has become effective in accordance with this section.

"(e) Whenever an appropriate committee reports a joint resolution pursuant to this section, the resolution shall be accompanied by a committee report specifying the reasons for the committee's action.

"(f) Congressional inaction on, or rejection of, any joint resolution shall not be deemed an expression of approval of the rule involved. The compliance of the Commission with the requirements of this section, including any determination by the Commission under this section, shall not be subject to judicial review of any kind.

"(g)(1) If a recommended rule of the Commission does not become effective because of the adjournment of Congress sine die before the expiration of the period specified in subsection (c)(1), the Commission may resubmit the recommended rule at the beginning of the next regular session of Congress. The ninety-day-period specified in the first sentence of subsection (c)(1) shall begin on the date of such resubmission, and such rule may only become effective in accordance with this section. The Commission shall not be required to forward such rule to the Federal Register for publication if such rule is identical to the rule transmitted during the previous session of Congress.

"(2) If a recommended rule of the Commission is disapproved under this section, the Commission may issue a recommended rule which relates to the same acts or practices as the disapproved rule. Such recommended rule—

"(A) shall be based upon—

"(i) the rulemaking record of the recommended rule disapproved by the Congress; or

"(ii) such rulemaking record and the record established in supplemental rulemaking procceedings conducted by the commission, in accordance with section 553 of title 5, United States Code, in any case in which the Commission determines that it is necessary to supplement the existing rulemaking record; and

"(B) may reflect such changes as the Commission considers necessary or appropriate, including such changes as may be appropriate in light of congressional debate and consideration of the joint resolution with respect to the rule.

"(3) After issuing a recommended rule under this subsection, the Commission shall transmit such rule to the Secretary of the Senate and the Clerk of the House of Representatives, in accordance with subsection (b)(1), and such rule shall only become effective in accordance with this section.

"(h) The provisions of this subsection, paragraphs (1) and (2) of subsection (a), subsection (e), and subsections (i) through (l) are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions, and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(i) Except as provided in subsection (1), joint resolutions shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(j)(1)(A) Except as provided in subparagraph (B), if the committee to which a joint resolution has been referred does not report such resolution within 30 days after the date of transmittal to the Congress of the recommended rule to which such joint resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which a joint resolution transmitted from the other House has been referred does not report such resolution within 30 days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2 Any motion to discharge under paragraph (1) must be supported in the House in writing by one-fifth of the Members, dul chosen and sworn, and in the Senate b motion of the majority leader supported b the minority leader, and is highly privilege in the House and privileged in the Senat (except that it may not be made after joint resolution has been reported with re spect to the same rule), and debate thereo shall be limited to not more than one hou the time to be divided in the House of Rep resentatives equally between those favorin and those opposing the motion to discharg and to be divided in the Senate equally be tween, and controlled by, the majorit leader and the minority leader, or their des ignees.

"(k)(1) Except as provided in paragraph (2) and (3), consideration of a joint resolu tion shall be in accord with the rules of th Senate and of the House of Representatives respectively.

"(2) When a committee has reported o has been discharged from further consider ation of a joint resolution, or when the com panion joint resolution from the othe House has been placed on the calendar o the first House, it shall be in order, notwith standing any rule of the Standing Rules o the Senate (except rule XXII) or any rul of the House of Representatives at any time thereafter (even though a previous motion to the same effect has been discharged to to move to proceed to the immediate consid eration of either such joint resolution. The motion is highly privileged in the House and privileged in the Senate and is not debata ble.

"(3) Debate on a joint resolution shall be limited to not more than ten hours (except that when one House has debated the joint resolution of that House, the companion joint resolution of the other House shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader, or their designees. An amendment to, or motion to recommit, the joint resolution is not in order. Any other motions shall be decided without debate, except that no motion to proceed to the consideration of any other matter shall be in order.

"(l) If a joint resolution has been reported or discharged from the committee of the House to which it was referred, and that House receives a joint resolution with respect to the same rule from the other House, the resolution of disapproval of the other House shall be placed on the appropriate calendar of the first House. If, prior to the disposition of a joint resolution of one House, that House receives a joint resolution with respect to the same rule from the other House, the vote in the first House shall occur on the joint resolution of the other House.".

(b)(1) This subsection is adopted as an exercise of the power of each House of Congress to determine the rules of its proceedings. The Congress specifically finds that the provisions of this subsection are essential to the Congress in exercising its constitutional responsibility to monitor and to review exercises by the executive of delegated powers of a legislative character.

(2)(A) After the Senate and the House of Representatives adopt a joint resolution with respect to a rule pursuant to section 25 of the Federal Trade Commission Act, it shall be in order in the Senate or the House of Representatives, notwithstanding any provision of the Standing Rules of the

Senate (except rule XXII) or the Rules of the House of Representatives, to consider an amendment described in subparagraph (B) to a bill or resolution making appropriations for the Federal Trade Commission.

(B) An amendment referred to in subparagraph (A) is an amendment which only contains provisions to prohibit the use of funds appropriated in the bill or resolution described in such subparagraph for the issuing, promulgating, enforcing, or otherwise carrying out a rule with respect to which a joint resolution has been adopted pursuant to section 25 of the Federal Trade Commission Act.

(3) Debate on an amendment described in paragraph (2)(B) shall be limited to not more than four hours, which shall be divided in the House of Representatives equally between those favoring and those opposing the amendment and which shall be divided in the Senate equally between, and controlled, by the majority leader and the minority leader or their designees. An amendment to, or motion to recommit, the amendment is not in order. Any other motions shall be decided without debate, except that no motion to proceed to the consideration of any other matter shall be in order.

(C) The amendments made by this section shall cease, to have any force and effect on or after the date which is five years after the date of enactment of this Act.

On page 15, line 15, strike out "(b)" and insert in lieu thereof "(d)".

Mr. LEVIN. Mr. President, this is the same amendment which was proposed in the 99th Congress. The bill that was before the 99th Congress does go part way. There is a period of time before an FTC rule can become effective, during which time Congress can pass a resolution of disapproval. What it omits and lacks is an expedited procedure for consideration of a joint resolution of disapproval.

We need that guarantee that there can be a vote on a resolution of disapproval during that 90-day timeframe. That is what this amendment provides.

Again, it is the same amendment which the Senate overwhelmingly approved a few years ago. It makes sure that the legislative veto provision is not an empty promise, that the legislative veto provision is a real one. It gives Congress, by the expression of a majority, a real opportunity to make sure that a rule is not enforced once the Congress, by a majority vote of both Houses, has disapproved that FTC rule.

It provides for 4 hours' debate and keeps the protection that the majority and minority leaders had in the language we adopted 2 years ago. Again, it is cosponsored by Senators GRASSLEY, BOREN, DECONCINI, and SIMPSON.

Senator GRASSLEY, along with other cosponsors, has been a driving force in this area for as long as he has been in the Senate. He has been tireless in seeking to establish congressional accountability over regulations of the bureaucracy.

Mr. GRASSLEY. Mr. President, as we consider a new authorization for the FTC and mull over the future of regulatory reform efforts, it is important to look back at the late 1970's and remember.

The FTC was so activist back in those years that the Cincinnati Enquirer editorialized that "if the FTC * * * had had its way, not a sparrow would have fallen to earth anywhere in America without FTC's sanction."

In 1980, our former colleague, Jack Schmitt, pointed out that the FTC was simultaneously considering rulemaking in more than 20 areas. These proposed regulations literally ranged from the cradle—children's television advertising—to the grave—funeral homes. And Senator Schmitt, if anything, understated the case; he left out the FTC's interference into insurance, agricultural cooperatives, and trademarks.

It seemed the FTC thought its mission was, to paraphrase Star Trek's Captain Kirk, to boldly regulate where no Federal agency has ever regulated before.

But even worse than the FTC's half-cocked, scattershot activism was the Agency's employment of methods that would offend advertising investigation, the Agency stretched its mandate by investigating practices that were not really unfair—merely unpopular with its staff of social engineers.

The Agency in many cases conducted fishing expeditions in which they harassed legitimate businesses with subpoenas for volumes of information without discussion or an explanation of the purpose. They often acted in secret, off the record, and without a full investigation of the effects of the proposed regulation on the industry involved.

And worst of all, the staff was described as "arrogant" and "indifferent." And the reason for that arrogance is that the staff of the FTC in the 1970's, and to some extent the Commission members, had no regard for the market, for our system of federalism, for the people of our Nation.

Their only regard was for their own sense of justice and order, and for the imposition of that order on society.

Thankfully, some truly tenacious Members of Congress—including our former colleagues Jack Schmitt, Elliott Levitas, and Jim Broyhill—saw what was happening.

They stood up to the FTC and its entrenched supporters, fighting to control that agency to the extent that, at one point, the FTC actually closed down for lack of money. Finally, Mr. President, they, along with my distinguished colleagues, Senators LEVIN and BOREN, pulled in the reins on this runaway agency in 1980.

They limited substantive activity in several areas of proposed regulation. But even more important, they established for the first time a congressional veto over FTC rulemaking.

This authority has been exercised to review regulations involving games of chance and the funeral industry. And it has been used to veto proposed FTC regulations involving the used-car industry.

The activities of the legislators I mentioned and many others paved the way for later regulatory reform efforts. The FTC legislative veto provided the model for the Schmitt-Grassley-Levin-Boren legislative veto provision that was passed by the Senate as part of a comprehensive regulatory reform bill in 1982, and many of the other provisions of the comprehensive legislation found their genesis in the 1980 FTC amendments.

But our efforts to expand Congress' reaffirmation of its prerogatives to other agencies suffered a setback in 1983, when the Supreme Court—in a supreme overreaction—declared all legislative veto provisions unconstitutional in the Chadha decision.

However, Senator LEVIN and I have devised a congressional veto provision which meets the requirements of Chadha—passage of both Houses of Congress plus approval of the President—with a twist.

The twist is as follows: The passage of the joint resolution by both Houses of Congress triggers expedited procedures for an amendment to an appropriations bill which would limit the use of government funds to implement the disapproved rule.

This proposal was adopted last Congress as part of S. 1078, the FTC authorization bill, by a vote of 56 to 34, and established this veto authority over FTC and CPSC rulemaking. The only reason we are revisiting this issue today is because S. 1078 died in conference.

The Congress has resolved the issue of whether these agencies' rules should be subjected to a legislative veto. Our amendment merely conforms the existing veto in this law to the Supreme Court mandated laws in Chadha.

Allow me to also point out that many of the specific problems I referred to earlier have been corrected under the able leadership of the former Commission chairman, Jim Miller. Under his leadership, the FTC regained the perspective and sense of justice sorely lacking in prior years.

However, this atmosphere will not last forever. The potential for abuse remains, and it is important that we maintain the precedent of congressional review in anticipation of the day in which it will be needed.

Finally, I would note that the National Federation of Independent Business and the U.S. Chamber of Commerce strongly support this proposal and I would urge all my colleagues to support the amendment.

I ask unanimous consent that the letter from the National Federation of Independent Business be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
*Washington, DC, April 6, 1987.*

Hon. CHARLES E. GRASSLEY,
*Hart Senate Office Building, Washington, DC.*

DEAR SENATOR GRASSLEY: On behalf of the more than half million small business owners who belong to NFIB, we would like to express our support for the Grassley-Levin legislative veto amendment to S. 677, the Federal Trade Commission Reauthorization bill.

For the small business owner, legislative veto offers an avenue of appeal against burdensome and unfair government regulation which does not now exist. Small business owners cannot afford to hire a team of lawyers to fight unwarranted government regulation, but they can appeal to their representatives in Congress. The legislative veto mechanism embodied in your amendment provides an effective and constitutional means of assuring that the Congress, the elected Representatives of the people, have the final say over rules and regulations issued by unelected officials in the administrative agencies.

NFIB believes the Grassley-Levin approach is a good alternative in establishing better congressional control over the bureaucracy. This amendment was accepted by the Senate in the last Congress. It is a good compromise which could break the stalemate which has existed over legislative veto since the 1983 Supreme Court decision.

Sincerely,

JOHN J. MOTLEY III,
*Director,*
*Federal Governmental Relations.*

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. GORE. Mr. President, I note that S. 677 already contains a provision requiring the FTC to report any rules to the Commerce Committee and then requiring the FTC to wait for 90 days before issuing a final rule.

I also note that some of the wisest and most experienced members of the Commerce Committee have serious reservations, indeed, have some strongly felt opposition to some of the concepts embodied in this amendment. However, they have argued the merits on a prior occasion. The Senate spoke on this issue rather decisively in the 99th Congress. In spite of their misgivings about some elements of the amendment, they are willing to see the Senate express its will on this in an expedited manner.

I also note that the amendment as it passed the Senate in 1985 contained modifications which were constructed at the behest of the then minority leader, now majority leader, the Senator from West Virginia [Mr. BYRD].

Those modifications are still a part of the amendment that is being presented to the Senate on this occasion. So, as chairman of the subcommittee, I express a willingness to accept the amendment as it is offered.

I also want to say a word of congratulations to the Senator from Michigan for leading an effort to introduce greater accountability of the FTC and its rulemaking functions to the American people. The elected representatives of the American people will, under this amendment, have an opportunity to review and vote if the sentiment is strongly felt when a new rule is issued. The desire for that kind of accountability has been gaining strength in Congress for quite some time now and, through the careful craftsmanship of the Senator from Michigan, we see that desire now embodied in a well-thought-out amendment which will provide the kind of accountability that many have long sought. I have some reservations about how the balance is struck, but I also have substantial sympathy with the goals that my colleague from Michigan is seeking. I support his efforts and say that the committee will accept the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, although there are also reservations expressed by some Members on this side, I also express my appreciation to the Senator from Michigan for his efforts to indeed enforce accountability in this very crucial area that is important to consumers across America in a variety of ways. We have no objection to the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friends for their acceptance of this amendment and for their kind remarks. Indeed, this is a way of constitutionally assuring that there will be some accountability over the regulations and rules of the FTC and keeping that accountability where it ultimately belongs, which is in elected officials.

I understand there may have to be a technical correction to the amendment. I ask unanimous consent that if that is in fact needed, such amendment be allowed after it is adopted if it is a technical amendment.

I understand the Parliamentarian has noted there is a problem with it. I ask unanimous consent that we be allowed to correct that.

Mr. GORE. Reserving the right to object, Mr. President, we would like to review the change before it is made. I suggest that we go ahead and adopt the amendment, then come back with the unanimous-consent request later.

The PRESIDING OFFICER. Does the Senator withdraw his request?

Mr. LEVIN. That will be fine, Mr. President. I withdraw the unanimous-consent request.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 79) was agreed to.

Mr. LEVIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. GORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the two managers are on the floor and have been conducting business for the Senate and have already disposed of some matters in relation to S. 677, a bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes. Now they are stymied because other Senators who have amendments are not here and are out of town. This bill, therefore, will have to be carried over until tomorrow morning, when the Senators with amendments will be here.

I thank Mr. GORE and Mr. MCCAIN for being at their desks and ready to do business. As I have said, they have already transacted some business in connection with this bill.

Therefore, having conferred with them and the Republican leader and the assistant leader on the other side of the aisle, I am prepared to ask, and do ask, unanimous consent that the Senate resume consideration of this measure on tomorrow morning at 10 o'clock.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I wish action could have been completed on this bill, but it is no fault of the two managers that this bill cannot be finished today.

## MEASURES REFERRED

The following resolution, which was being held at the desk by unanimous consent, was read and referred as indicated:

S. Res. 184. A resolution expressing the sense of the Senate on AIDS; to the Committee on Governmental Affairs.

The following concurrent resolution, previously received from the House of Representatives, was read and referred as indicated:

H. Con. Res. 86. A concurrent resolution expressing the sense of the Congress congratulating the people of Berlin on the occasion of the city's 750th anniversary in the year 1987, commending the people of Berlin for the centuries of great tradition and continuing courage in the face of historical adversity, and recognizing the deep and lasting relations they have with the people of the United States of America; to the Committee on Foreign Relations.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WILSON:

S. 921. A bill to warn certain consumers in connection with the purchase of a Medicare supplemental policy; to the Committee on Commerce, Science, and Transportation.

By Mr. MITCHELL (for himself and Mr. GORE):

S. 922. A bill to amend the Public Health Service Act with respect to the establishment of protocols for the identification and assistance of organ and tissue donors; to the Committee on Labor and Human Resources.

By Mrs. KASSEBAUM:

S. 923. A bill to amend the Foreign Assistance Act of 1961 to improve management of economic assistance, and for other purposes; to the Committee on Foreign Relations.

By Mr. BENTSEN (for himself and Mr. PROXMIRE):

S. 924. A bill to revise the allotment formula for the Alcohol, Drug Abuse, and Mental Health Services Block Grant under part B of title XIX of the Public Health Service Act; to the Committee on Labor and Human Resources.

By Mr. HATFIELD:

S. 925. A bill for the relief of Elliott Roosevelt; to the Committee on Veterans' Affairs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILSON:

S. 921. A bill to warn certain consumers in connection with the purchase of a Medicare supplement policy; to the Committee on Commerce, Science, and Transportation.

(The remarks of Mr. WILSON on this legislation appear earlier in today's RECORD.)

---

By Mr. MITCHELL (for himself and Mr. GORE):

S. 922. A bill to amend the Public Health Service Act with respect to the establishment of protocols for the identification and assistance of organ and tissue donors; to the Committee on Labor and Human Resources.

NATIONAL ORGAN AND TISSUE DONOR ACT

Mr. MITCHELL. Mr. President, for myself and Senator GORE, today I am reintroducing the National Organ and Tissue Donor Act. Enactment of this legislation will assist the States in their efforts to increase the number of organs and tissues available for transplantation by enacting and implementing State laws establishing routine inquiry procedures.

State-passed required request legislation will assure that someone in a hospital who is specially trained, talk to families about organ donation when their loved ones suffer brain death. While there is understandable reluctance on the part of hospitals to intrude upon families in mourning, it is vital that health care professionals discuss the subject of organ donation, since the vast majority of families would consent to donate organs of a loved one if given the opportunity to do so.

The bill sets minimum standards and requires the Secretary to report back to Congress in a year on the activities of the department and of the States.

Since first introducing this legislation on May 22, 1986, an additional 10 States have passed routine inquiry statutes and legislation is pending in another eight States. Enactment of State routine inquiry laws has resulted in a significant increase in the number of organs available for transplantation.

Last year my home State of Maine passed required request legislation which went into effect on January 1, 1987. Since its passage, the Maine Medical Center has held a day-long symposium to work with hospital personnel to discuss the implementation of the new law.

The Maine Medical Center is the only hospital in Maine performing transplants and is the third busiest kidney transplant center in New England, performing between 30 and 40 kidney transplants per year. Despite this impressive record, there are some 30 or 40 Maine residents still waiting on any given day for kidney transplants to restore their health.

Transplantation can save thousands of lives and restore vision for thousands more, but only if sufficient organs and tissues are donated. Hearts, livers, kidneys, and other organs for transplantation must come from young victims who have been declared brain dead but are maintained mechanically.

There are approximately 20,000 such deaths each year, usually from auto accidents or cerebral hemorrhages, but fewer than 25 percent of these deaths result in organ donation. Reports indicate that since the passage of routine inquiry laws on the State level there has been a tripling of organs available for transplantation.

While this is indeed encouraging, at any given time there are still approximately 10,000 Americans waiting for organ transplants. Too many still wait in vain because too few organs are available, and far too many die before an organ becomes available.

During the 99th Congress Senator GORE introduced legislation, which I cosponsored, which requires hospitals participating in the Medicare and Medicaid programs to establish written protocols for organ procurement, and also establishes standards for organ procurement agencies. I am pleased that the hospital protocols for organ procurement bill was included as a provision in the Omnibus Budget Reconciliation Act of 1986.

I am reintroducing the National Organ and Tissue Donor Act because I share the view of the National Kidney Foundation and the American Council on Transplantation that we must continue to encourage each State to pass its own required request law so as to create greater awareness among the public while at the same time complimenting and supporting the new Federal legislation.

The National Organ and Tissue Donor Act of 1987 will encourage States to pass State required request legislation which is complementary with the newly passed Federal legislation, and requires hospitals to have a written protocol insuring that families are informed of the option of organ donation and that a certified organ procurement agency is notified.

I urge my colleagues to support routine inquiry legislation in their own States and to join me in supporting this national initiative.

---

By Mrs. KASSEBAUM:

S. 923. A bill to amend the Foreign Assistance Act of 1961 to improve management of economic assistance, and for other purposes; to the Committee on Foreign Relations.

ECONOMIC ASSISTANCE REFORM ACT

Mrs. KASSEBAUM. Mr. President, there has been much talk recently about a crisis in foreign aid. For the second year in a row, under the Gramm-Rudman-Hollings Act, it looks like Congress is going to strike a severe blow to the foreign assistance accounts.

The international affairs budget is only 2 percent of the overall Federal budget. Nevertheless, last year it was cut 20 percent from the President's request—more than any other major area of the budget. And these disproportionate cuts may well be repeated again this year. Unfortunately, it is easy to hit the foreign affairs accounts because there is not a strong domestic constituency.

The overall cuts in foreign assistance are threatening our ability to meet our foreign policy objectives of peace, stability, worldwide economic growth and the alleviation of human suffering. It is for this reason that I am supporting an overall increase in the international affairs budget this year. We should not be blithely making cuts in those areas where it is politically easy when we know it hurts our national interests.

But, Mr. President, in my judgment the funding level for foreign assistance is only part of the problem. The shrinking pool of foreign aid funds is creating a greater need than ever before for us to make sure that the money is being managed effectively and efficiently. These are important issues even under ideal budget conditions. They become even more critical at a time when we are facing a funding "crisis" in foreign aid.

As a member of the Foreign Relations Committee, I have been concerned for some time about development efforts. Last spring, I held a series of hearings to review U.S. development programs in order to gain information about how our assistance activities can be improved. These hearings addressed the question of whether there are concrete steps we could take to make delivery of our foreign aid more efficient.

What I found, Mr. President, is that the procedure both here in Congress and in the executive branch can be improved. In response to this problem, I am introducing legislation today which will reform the Foreign Assistance Act and streamline our economic aid process.

We have spent years in Congress piling new problems and new priorities on the Foreign Assistance Act without ever stepping back to look at what we have created. Our assistance programs include an amazing array of earmarks and setasides. Superimposed upon this are specific functional accounts which may or may not coincide with development priorities.

Perhaps the most important change in the bill I am introducing is that it will no longer allow congressional earmarks on the foreign aid account. Every year Congress not only determines the overall levels that are to be spent on development and economic support funds, but it adds earmarks on an ad hoc basis for specific countries and special projects.

In current law, for example, there are 45 earmarks governing the development aid and economic support funds accounts in both the authorization and appropriation acts. These yearly earmarks severely compound the effect of overall budget cuts.

A dramatic example of the results of this process is what happens with the country earmarks on the economic support funds account. Last year, Congress appropriated $3.5 billion in economic funds. Over 80 percent of that money was earmarked for just a handful of countries. Israel and Egypt alone received $2 billion, almost 60 percent of that money. The result of this earmarking was that most of our friends and allies who were not protected by congressional earmarks had to absorb the full impact of overall reductions.

Since 1985, for example, our total aid to Africa has been reduced 45 percent and our aid to Spain has been reduced by almost 75 percent, while overall foreign assistance has been reduced by about 20 percent. Although this uneven distribution of the effect of overall cuts was for the most part an unintended consequence of congressional action, it underscores the need for a reform of our foreign aid budget process. Congress should be involved in directing priorities. But it should be done in a more systematic and streamlined way.

Along with ending earmarks, my bill includes several other changes which attempt to replace the current ad hoc system of budgeting.

These changes include shifting to a regional approach in budgeting, so that we are not just earmarking for only a few countries. Congress would also be shifting to a budget process which parallels the administration budgeting process. This would make it easier for Congress and the executive branch to reconcile their differences on priorities more easily. Hopefully this shift will also result in our directly relating development programs to the needs of the specific regions we are assisting. Under the reform bill, Congress would authorize and appropriate development assistance and economic support assistance by region.

The bill also streamlines the number of areas where we direct our development aid. The bill sets out just four areas for development projects—health, education, agriculture, and infrastructure. The intent of this streamlining is to avoid overcommitting ourselves to projects. It would also allow more flexibility within these congressional guidelines for the administration to match development programs more closely to the development needs of those we are assisting. Under the reform bill these areas are no longer budgeted by Congress, but they do remain mandatory guidelines.

The bill also outlines that it is the sense of the Congress that foreign assistance should be funded on a 2-year cycle and that the appropriations and authorization committees should coordinate their efforts more closely.

The executive branch is also required by the bill to make a number of management reforms. Without reforms which require reducing costs, keeping budgets lean, and maximizing efficiency, our development efforts will only continue to be frustrated. Improving the congressional process is only one part of the equation.

In many countries we may not need more foreign assistance, we may simply need to have that assistance used more wisely. One significant problem with our development effort is that all of the work is being done in a bewildering maze of bilateral and multilateral programs and private voluntary efforts. At best, there appear to be only cursory coordination among all of these programs. Too often, one effort actually undercuts or even cancels out the benefits of another.

The West as a whole seems to be following a strategy of trying to solve all problems in all places—all at once. This is in fact not a strategy. It is a prescription for efforts like the Sahel project in Africa, where the West spent over $15 billion over 8 years and produced little real progress. Foremost among the reforms that the bill requires, is improved coordination with other donors. It also requires greater coordination within our own Government in the process of establishing foreign aid priorities.

The reforms also include streamlining the project development process increasing their sustainability, decreasing recurring costs, and streamlining mid-level management. The President is required to report on these efforts within a year.

The United States, as the largest bilateral donor, has a responsibility, in my view, to set the pace on efficiency, cost-effectiveness, and coordination. Also, we here in Congress also have an important responsibility in meeting our foreign policy commitments despite the budget constraints. It is for these reasons, I hope the introduction of my bill will spark an open debate and review of how we run our foreign assistance programs.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 923

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SHORT TITLE

SECTION. 1. This Act may be cited as the "Economic Assistance Reform Act of 1987".

ELIMINATION OF EARMARKS IN EXISTING LAW

SEC. 2. (a)(1) The Congress finds that excessive earmarking of funds by the Congress has imposed severe constraints on the management of the foreign assistance program.

(2) The Congress hereby expresses its intention to eliminate in the future any further earmarks imposed on the funding of economic assistance.

(b)(1) Section 123(f) of the Foreign Assistance Act of 1961 is repealed.

(2) Section 904 of the International Security and Development Cooperation Act of 1985 is repealed.

PROVISION OF INFRASTRUCTURE ASSISTANCE; CONSOLIDATION OF ECONOMIC ASSISTANCE ACCOUNTS

SEC. 3. (a)(1) Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 129. INFRASTRUCTURE ASSISTANCE.—(a) The Congress finds that infrastructure development is a vital element in the development process. Without the basic, underlying framework of communication and transportation facilities, the development process is severely limited. The Congress is con-

cerned that unless a focus is given to infrastructure development, other development efforts to promote human welfare and economic growth will be undermined. Investments to increase the supply of food and to improve education and health facilities as well as economic growth will not be effective without the development of an infrastructure which will enhance market accessibility and development of an effective communications network. Improving the infrastructure in developing countries will help to improve the sustainability of overall development efforts.

"(b) The President is authorized to furnish assistance to develop, rehabilitate, expand, and maintain communications, marketing, and transportation networks in order to stimulate production, make food distribution easier, enhance health and education efforts, and improve overall economic growth by making market accessibility and trade easier and more affordable.

"(c) The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the following activities, to the extent that such activities are not authorized by sections 103, 104, and 105 of this Act:

"(1) assistance to enable developing countries to prepare for an undertake development of their energy resources and to encourage private investment in energy infrastructure;

"(2) programs of reconstruction following natural or manmade disasters and programs of disaster preparedness, including the prediction of and contingency planning for natural disasters abroad; and

"(3) programs designed to help solve special development problems in the poorest countries and to make possible proper utilization of infrastructure and related projects funded with earlier United States assistance.".

(2) Section 102(b)(5) of such Act is amended by inserting "infrastructure development;" after "human resources development;".

(b)(1) Section 105 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c)(1) The President is authorized to furnish assistance, on such terms and conditions as he may specify, to schools and libraries outside the United States founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States.

"(2) The President is authorized, notwithstanding the provisions of the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.) to furnish assistance, on such terms and conditions as he may specify, to institutions referred to in paragraph (1), and to hospital centers for medical education and research outside the United States, founded or sponsored by United States citizens.

"(3) Notwithstanding the provisions of paragraph (2), funds available under this section may be used for assistance to centers for pediatric plastic and reconstructive surgery established by Children's Medical Relief International, except that assistance may not be furnished for the domestic operations of any such center located in the United States, its territories or possessions.".

(2) Section 214 of such Act is repealed.

(c) Section 104(c)(2) of such Act is amended—

(1) by striking out "(A)" after "(2)"; and

(2) by striking out subparagraphs (B) and (C).

AUTHORIZATION OF APPROPRIATIONS FOR ECONOMIC ASSISTANCE BY REGIONS OF THE WORLD

SEC. 4. (a) Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 130. AUTHORIZATION OF APPROPRIATIONS.—(a)(1) There are authorized to be appropriated to the President to carry out the following activities with respect to the following regions of the world:

"(A) Africa—

"(i) to carry out this chapter (relating to economic development assistance), $_____ for the fiscal year 1988 and $_____ for the fiscal year 1989, and

"(ii) to carry out chapter 4 of part II (relating to economic support assistance), $_____ for the fiscal year 1988 and $_____ for the fiscal year 1989,

"(B) Asia—

"(i) to carry out this chapter (relating to economic development assistance), $_____ for the fiscal year 1988 and $_____ for the fiscal year 1989, and

"(ii) to carry out chapter 4 of part II (relating to economic support assistance), $_____ for the fiscal year 1988 and $_____ for the fiscal year 1989,

"(C) Central America—

"(i) to carry out this chapter (relating to economic development assistance), $_____ for the fiscal year 1988 and $_____ for the fiscal year 1989, and

"(ii) to carry out chapter 4 of part II (relating to economic support assistance), $_____ for the fiscal year 1988 and $_____ for the fiscal year 1989,

"(D) Europe—

"(i) to carry out this chapter (relating to economic development assistance), $_____ for the fiscal year 1988 and $_____ for the fiscal year 1989, and

"(ii) to carry out chapter 4 of part II (relating to economic support assistance), $_____ for the fiscal year 1988 and $_____ for the fiscal year 1989,

"(E) Latin America and the Caribbean—

"(i) to carry out this chapter (relating to economic development assistance), $_____ for the fiscal year 1988 and $_____ for the fiscal year 1989, and

"(ii) to carry out chapter 4 of part II (relating to economic support assistance), $_____ for the fiscal year 1988 and $_____ for the fiscal year 1989, and

"(F) the Near East—

"(i) to carry out this chapter (relating to economic development assistance), $_____ for the fiscal year 1988 and $_____ for the fiscal year 1989, and

"(ii) to carry out chapter 4 of part II (relating to economic support assistance), $_____ for the fiscal year 1988 and $_____ for the fiscal year 1989.

"(2) Amounts appropriated under this section are authorized to remain available until expended.

"(b) Subject to the foreign policy guidance of the Secretary of State, the Administrator of the Agency for International Development, or of any successor agency, shall administer the programs, projects, and activities for which funds are appropriated under this section.

"(c) Appropriations pursuant to this section may be referred to as 'Economic Assistance'."

(b)(1) On or after October 1, 1987 any reference to an authorization of appropriations contained in chapter 1 of part I of such Act or contained in chapter 4 of part II of such Act, or to appropriations made pursuant to any such chapter, shall be deemed to be a reference to an authorization of appropriations contained in section 130 of the Foreign Assistance Act of 1961 or appropriations made pursuant to such section, as the case may be.

(2) On or after October 1, 1987—

(A) assistance provided under chapter 1 of part I of such Act may be referred to as "Economic Development Assistance"; and

(B) assistance provided under chapter 4 of part II of such Act may be referred to as "Economic Support Assistance".

(c) The amendment made by subsection (a) shall take effect on October 1, 1987.

TECHNICAL AMENDMENTS

SEC. 5. (a) Section 103(a)(2) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out the first sentence; and

(2) in the second sentence, by striking out "Of these amounts" and inserting in lieu thereof "Of the assistance provided under this section".

(b) Section 104(g) of such Act is repealed.

(c) Section 105(a) of such Act is amended by striking out the second sentence thereof.

(d) Section 106 of such Act is repealed.

(e) Sections 120 and 121 of such Act are repealed.

(f)(1) The heading for chapter 4 of part II of the Foreign Assistance Act of 1961 is amended to read as follows:

"CHAPTER 4—ECONOMIC SUPPORT ASSISTANCE".

(2) Section 531 of such Act is amended—

(A) by redesignating subsection (c) as subsection (c)(1);

(B) in the second sentence of subsection (c)(1), as redesignated by this paragraph, by striking out "transfers," and all that follows through "chapter" and inserting in lieu thereof "transfers and the amounts and kinds of budgetary and balance-of-payments support provided with funds made available under this chapter"; and

(C) by adding at the end of subsection (c)(1), as redesignated by this paragraph the following new paragraph:

"(2) The authorities of this chapter shall not be available for the furnishing of project assistance.".

(3) Section 532 of such Act is repealed.

POLICY ON FURTHER MANAGEMENT REFORM

SEC. 6. (a) The Congress hereby expresses its intention, with respect to the foreign assistance program, to minimize the number of reporting requirements, changes in policy direction, and other attempts to micromanage the program.

(b) It is the sense of the Congress that the President should continue to make efforts to improve the management of the foreign assistance program, including efforts—

(1) to streamline the project development process and shorten the time from project conception to implementation;

(2) to increase decentralization of field missions;

(3) to reduce the number of projects and to increase the duration, and to increase the sustainability, of projects which are funded;

(4) to decrease recurring costs;

(5) to prepare a more detailed analysis of the impact of Agency for International Development projects for inclusion in the annual congressional presentation materials, together with a more thorough economic justification for the program for the next fiscal year;

(6) to expand overseas tours for personnel and streamline mid-level management;

(7) to streamline the contract process; and

(8) to coordinate the United States economic assistance effort, including examination of the adequacy of the existing interagency coordinating mechanism, the need to reinvigorate the Development Coordination Committee, and the need and importance of multidonor coordination in Washington, D.C., and in field missions.

(c) Not later than February 1, 1988, the Administrator of the Agency for International Development shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report—

(1) describing whatever recommendations and actions have been taken by the Agency with respect to paragraphs (1) through (6) of subsection (b) and any other proposals to improve management of the foreign assistance program; and

(2) setting forth the findings of the study described in subsection (d).

(d) The President shall conduct a study on the feasibility and impact of reducing the number of countries receiving economic assistance and also the feasibility of incorporating the Agency for International Development into the Department of State.

(e) It is further the sense of the Congress that—

(1) the foreign assistance program should be funded on a two-year cycle;

(2) the President should begin preparing a foreign assistance budget for the fiscal years 1990 and 1991;

(3) funds appropriated for foreign assistance should remain available for expenditure without fiscal year limitations; and

(4) the appropriations and authorization committees of each House of Congress should hold joint hearings on the foreign assistance program and should otherwise coordinate their duties with the Committee on the Budget of each House of Congress.

REOBLIGATION AUTHORITY

SEC. 7. Chapter 2 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 640D. REOBLIGATION AUTHORITY.—(a) Subject to subsection (b), in any fiscal year amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations theretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the paragraphs under the heading "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations in such paragraphs or until the end of such fiscal year, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated.

"(b) At least 15 days in advance of any deobligation and reobligation of funds under subsection (a), the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate shall be notified of any such proposed deobligation and reobligation of funds.".

REPEAL

SEC. 8. Section 502 of the Foreign Assistance and Related Programs Appropriations Act, 1987 (as contained in Public Law 99-591) is repealed.

ASSISTANCE FOR DEBTOR COUNTRIES

SEC. 9. Section 620(q) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "(q) No" and inserting in lieu thereof "(q)(1) Subject to paragraph (2), no"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The prohibition contained in paragraph (1) shall not apply to a country for a period of 3 years after a default of one calendar year by such country if the President certifies that the likelihood of repayment by such country would be increased thereby.".

---

By Mr. BENTSEN (for himself and Mr. PROXMIRE):

S. 924. A bill to revise the allotment formula for the Alcohol, Drug Abuse, and Mental Health Services block grant under part B of title XIX of the Public Health Service Act; to the Committee on Labor and Human Resources.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH SERVICES BLOCK GRANT AMENDMENTS

Mr. BENTSEN. Mr. President, together with my distinguished colleague from Wisconsin [Mr. PROXMIRE], I am today introducing a bill to reauthorize and restructure the Alcohol, Drug Abuse and Mental Health block grant [ADAMH].

The Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) consolidated various health and social services into block grants. Among the new authorities is ADAMH, which includes six formerly categorical programs whose purposes range from reducing the incidence of substance abuse to supporting the States in their efforts to provide comprehensive mental health services.

When ADAMH was reauthorized in 1984, the Alcohol, Drug Abuse and Mental Health Amendments (Public Law 98-509) contained a provision directing the Secretary of Health and Human Services to undertake a study of the formula used to distribute funds to the States, the District of Columbia, and the territories. Those of us who worked toward inclusion of the study in the 1984 amendments were convinced that the existing allocation formula was antiquated. In addition, we believed that a new distribution formula based on each State's demographic profile, including the estimated number of substance abusers, would improve the Federal Government's ability to target resources to those communities where they are most needed.

The study, which was conducted by the Institute of Health and Aging at the University of California, is now complete. As we expected, the research team found that, while the block grant allocation averaged $2.21 per capita nationally, expenditures per person varied from as little as $1.01 in Iowa to as much as $6.48 in Vermont. In my own State of Texas, Federal support of alcohol, drug abuse, and mental health programs is $1.51 per capita—or nearly 45 percent below what it should be when the pertinent demographics of the at-risk population are considered.

The authors of the California study conclude that although population may not correspond perfectly to need, the "extreme per capita variation present in the existing allocation likely was not desired at the initial passage of the * * * legislation."

These findings comport with the 1984 General Accounting Office report which found significant inequities rooted in historical accident. By failing to take into account demonstrable need for funds and giving undue weight to prior years' spending, the current formula tends to disadvantage States that made early commitments to cost effective community based care while overcompensating those States that have given little attention to containing program costs. In short, by allocating funds under the current formula, the Federal Government is rewarding excessive expenditures and penalizing cost efficiency without properly considering actual need.

Mr. President, the legislation we are introducing today draws heavily from the University of California study. In keeping with the research findings, the formula for distributing State block grant funds is revised to account for the population at greatest need with respect to substance abuse. Allotments are also adjusted according to need as a way of ensuring access to care for those individuals who live in States where Federal funds are critical to the availability of substance abuse programs and mental health services. Formula changes are phased in over a 5-year transition period to permit States to adjust to new funding levels. Finally, this bill includes a 5-year reauthorization of the Alcohol, Drug Abuse and Mental Health block grant at a funding level of $515 million in fiscal year 1988 with the flexibility to authorize such sums as may be needed in future years.

Mr. President, all available evidence points to the fact that the ADAMH block grant is in need of significant reform. I urge my colleagues to join me in this effort to provide for a more just and equitable distribution of the ADAMH block grant funds.

I ask unanimous consent that the text of S. 924 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 924

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this

Act may be cited as the "Alcohol, Drug Abuse, and Mental Health Services Block Grant Amendments of 1987".

EXTENSION OF AUTHORIZATION

SEC. 2. Section 1911 of the Public Health Service Act is amended—

(1) by striking out "and" after "1986,"; and

(2) by inserting before the period a comma and "$515,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 through 1992".

REVISION OF ALLOTMENT FORMULA

SEC. 3. (a) Section 1913(a) of the Public Health Service Act is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by striking out paragraphs (1) through (3) and inserting in lieu thereof the following:

"(1)(A) The Secretary shall reserve 1.5 percent of the amount available for allotments under this section for each fiscal year for allotments to territories and possessions under this paragraph.

"(B) From the amount reserved under subparagraph (A) for a fiscal year, the Secretary shall allot to each territory or possession an amount which bears the same ratio to such reserved amount as the population of such territory or possession bears to the population of all territories and possessions.

"(C) For purposes of this paragraph, the term 'territory or possession' means the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(2)(A) From the amount available for allotments under this paragraph for a fiscal year (after the application of section 1912 and paragraph (1) of this subsection), the Secretary shall allot to each State an amount equal to the product of such available amount and the State share.

"(B) Except as provided in paragraph (3), for purposes of this subsection, the State share of a State is the percentage equal to the quotient of—

"(i) the amount equal to the product of the at-risk population of the State multiplied by the allotment percentage of State, divided by

"(ii) the sum of the amounts determined pursuant to clause (i) of this subparagraph for all States.

"(C) For purposes of this paragraph, the allotment percentage of a State is the percentage equal to the difference between—

"(i) one, minus

"(ii) the percentage equal to the product of 50 percent multiplied by the amount equal to the quotient of—

"(I) the income per person at-risk for the State, divided by

"(II) the income per person at-risk for all States.

"(D) For purposes of subparagraph (C)(ii)(I), the income per person at-risk for a State is an amount equal to the quotient of—

"(i) the average total personal income for a State for the period of three most recently completed calendar years ending before the date on which an application is submitted under section 1916, divided by

"(ii) the at-risk population of the State.

"(E) For purposes of subparagraph (C)(ii)(II), the income per person at-risk for all States is an amount equal to the quotient of—

"(i) the sum of the amounts determined under subparagraph (D)(i) for all States, divided by

"(ii) the sum of the at-risk populations for all States.

"(F) For purposes of this paragraph, the at-risk population of a State is an amount equal to the sum of—

"(i) the amount equal to the product of 0.25 multiplied by the amount equal to the sum of—

"(I) the amount equal to the product of 0.6 multiplied by the male population of the State between the ages of 18 and 24 years, plus

"(II) the amount equal to the product of 0.4 multiplied by the female population of the State between the ages of 18 and 24 years; plus

"(ii) the amount equal to the product of 0.25 multiplied by the sum of—

"(I) the amount equal to the product of .85 multiplied by the male population of the State between the ages of 25 and 64 years, plus

"(II) the amount equal to the product of .15 multiplied by the female population of the State between the ages of 25 and 64 years; plus

"(iii) the amount equal to the product of .5 multiplied by the total population of the State between the ages of 25 and 44 years.

"(3)(A) If, pursuant to paragraph (2), the State share of any State for any fiscal year—

"(i) exceeds the State share of such State for the previous fiscal year by more than 20 percent; or

"(ii) is less than 80 percent of the State share of the State for the previous fiscal year,

the Secretary shall adjust proportionately the State share of all States for the fiscal year in order that the State share of each State under this subsection for the fiscal year does not exceed by 20 percent, or is not less than 80 percent of, the State share of such State for the preceding fiscal year.

"(B) For purposes of subparagraph (A), the State share of a State for fiscal year 1987 is the amount equal to the quotient of the total amount paid to the State under section 1913 for such fiscal year divided by the total amount paid to all States under such section for such fiscal year.

"(4) For purposes of paragraphs (2) and (3), the term 'State' means of each the 50 States and the District of Columbia."

"(b) The amendment made by subsection (a) shall apply to fiscal year 1988 and each of the succeeding fiscal years.

Mr. PROXMIRE. Mr. President, the legislation which Senator BENTSEN and I are introducing today will at long last bring meaningful reform to the Alcohol, Drug Abuse, and Mental Health [ADAMHA] block grant.

Following the creation of ADAMHA block grant in 1981, it quickly became apparent that the allocation formula for the distribution of these funds was fatally flawed. During the debate on reauthorization of this block grant in 1984, the Senate adopted an amendment of mine to begin to move the allocation formula toward greater equity. But that was just a small step in the right direction.

At that time there was legitimate concern, on both sides of the Hill, that we did not have sufficient information on which to base a comprehensive restructuring of the distribution formula. As a result, the Senate-passed bill incorporated a proposal of mine for an independent advisory committee to review the existing formula, conduct a review of the available literature regarding the indicators of need as well as alternative formulas that would give such State a fair share of these block grant funds.

The bill which we are introducing today incorporates the principal recommendations of that advisory committee report and, when enacted, will finally assure that each State is treated fairly.

BACKGROUND OF THE ADAMHA BLOCK GRANT

Mr. President, the ADAMHA block grant was created in 1981 out of 10 separate, categorical programs providing funds to the States for alcohol and drug abuse programs as well as grants to local community mental health centers. At that time it was determined that each State would receive the same percentage of the consolidated block grant funds that they had received from each of the separate, categorical programs in 1981.

For the categorical programs where funds were distributed to the States under allocation formulas, this approach was both reasonable and, for the most part, equitable.

But not all of these programs provided funds based upon State-by-State allocation formulas. The community mental health center program proved a major exception.

These funds had never been distributed based upon any notion of equity between the States. Individual community mental health centers applied directly to the Federal Government for financial assistance and received their grants directly.

Therefore, the total mental health funding which any State received in 1981 was a product of two factors: first, the initiative of individual community mental health centers in making application for Federal assistance; second, was the stage of development of the individual mental health centers. Assistance was provided on an 8-year sliding scale: substantial funding in the early years for development costs, followed by a gradual decline in financial assistance as the centers attained self-sufficiency.

Thus, States receiving significant community mental health dollars in 1981 would receive a high percentage of the total block grant funds in perpetuity. Conversely, States receiving few community mental health center dollars that year were locked into a very low percentage of the total block grant funds in perpetuity.

That is simply wrong. But it is important that any revision of the allocation formula not be developed on a parochial or political basis. That would

simply shift the inequity from some States to others.

That is why I proposed the indepentent advisory committee approach for a fair and thorough review of the allocation formula. And that is why our bill incorporates its recommendations for reform.

THE BENTSEN-PROXMIRE APPROACH

Mr. President, the advisory committee's report outlines a series of alternative formulations for allocating these funds, considering such issues as age, gender, income, race/ethnicity, education, marital status, and community type in an effort to identify the factors most associated with alcohol, drug abuse, and mental health disorders. After considering the various alternatives, the report concludes that a formula based upon age, gender and program-weighted measures, taking into account State fiscal capacity, reflects the best approach.

Our bill accepts their judgment. We believe that this approach has the advantage of being fair, relies upon readily available data, and does not require heroic assumptions regarding the prevalence of disease. We intend to press for its early enactment and urge our colleagues and their staff to carefully review this proposal.

## ADDITIONAL COSPONSORS

S. 12

At the request of Mr. CRANSTON, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of S. 12, a bill to amend title 38, United States Code, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All-Volunteer Force; and for other purposes.

S. 63

At the request of Mr. STEVENS, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 63, a bill to establish a National Commission on Acquired Immune Deficiency Syndrome.

S. 250

At the request of Mr. HUMPHREY, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of S. 250, a bill to prevent fraud and abuse in HUD programs.

S. 324

At the request of Mr. DOLE, the name of the Senator from Nebraska [Mr. KARNES] was added as a cosponsor of S. 324, a bill to revise the basis for computation of emergency compensation under the 1986 feed grains programs.

S. 476

At the request of Mr. DODD, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 476, a bill to provide assistance in the development of new or improved programs to help younger persons through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; and to provide for a White House Conference on Young Americans.

S. 592

At the request of Mr. DOLE, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 592, a bill to provide for Medicare catastrophic illness coverage, and for other purposes.

S. 598

At the request of Mr. MITCHELL, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 598, a bill to amend title XIX of the Social Security Act to protect the welfare of spouses of institutionalized individuals under the Medicaid Programs.

S. 703

At the request of Mr. SPECTER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 703, a bill to amend title 18, United States Code, including the Child Protection Act, to create remedies for children and other victims of pornography, and for other purposes.

S. 713

At the request of Mr. MURKOWSKI, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 713, a bill to amend title 38, United States Code, to facilitate the recruitment of registered nurses by the Veterans' Administration.

S. 809

At the request of Mr. BYRD, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 809, a bill to provide urgently needed assistance to protect and improve the lives and safety of the homeless.

S. 861

At the request of Mr. DANFORTH, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 861, a bill to require certain actions by the Secretary of Transportation regarding certain drivers of motor vehicles and motor carriers.

SENATE JOINT RESOLUTION 104

At the request of Mr. BOREN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 104, a joint resolution to designate the week of May 31, 1987, through June 6, 1987, as "National Intelligence Community Week."

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. HEFLIN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Concurrent Resolution 15, a concurrent resolution expressing the sense of the Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the Medicare Program should be made until reports required by the 99th Congress have been received and evaluated.

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. GORE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Concurrent Resolution 20, a concurrent resolution to express the sense of the Congress that funding for the vocational education program should not be eliminated.

SENATE CONCURRENT RESOLUTION 35

At the request of Mr. DECONCINI, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Concurrent Resolution 35, a concurrent resolution expressing the sense of the Congress regarding the imposition of charges for outpatient care provided in medical facilities of the uniformed services to retired members of the Armed Forces, dependents of retired members, and dependents of members serving on active duty.

SENATE RESOLUTION 174

At the request of Mr. DECONCINI, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Resolution 174, a resolution expressing the sense of the Senate condemning the Soviet-Cuban buildup in Angola and the severe human rights violations of the Marxist regime in Angola.

SENATE RESOLUTION 184

At the request of Mr. DOLE, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Wyoming [Mr. WALLOP], the Senator from South Carolina [Mr. THURMOND], the Senator from Maine [Mr. COHEN], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Resolution 184, a resolution expressing the sense of the Senate on AIDS.

## AMENDMENTS SUBMITTED

### FEDERAL TRADE COMMISSION ACT AMENDMENTS

### LEVIN AMENDMENT NO. 79

Mr. LEVIN proposed an amendment to the bill (S. 677) to amend the Federal Trade Commission Act to provide authorizations of appropriations, and for other purposes; as follows:

On page 12, beginning with line 18, strike out through line 14 on page 15 and insert in lieu thereof the following:

CONGRESSIONAL REVIEW OF RULES

SEC. 13. (a) The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 24, as added as section 3 of this Act, the following new section:

"SEC. 25. (a) For purposes of this section, the term—

"(1) 'appropriate committee' means either the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Energy and Commerce of the House of Representatives, as the case may be;

"(2) 'joint resolution' means a joint resolution which does not contain a preamble and the matter after the resolving clause of which is as follows: 'That the Senate and the House of Representatives disapprove the rule entitled , transmitted to the Congress by the Federal Trade Commission on , 19 .', the blank spaces being filled with the appropriate title of the rule and the date of transmittal of the rule to the Congress, respectively; and

"(3) 'rule' means any rule promulgated by the Commission pursuant to this Act, other than any rule promulgated under section 18(a)(1)(A) and any interpretive or procedural rule.

"(b)(1) Except as provided in subsection (g)(1), on the day the Commission forwards to the Federal Register for publication a recommend rule, the Commission shall transmit a copy of such rule to the Secretary of the Senate and the Clerk of the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives are authorized to receive a recommended rule under this subsection whether the appropriated House is in session, stands in adjournment, or is in recess.

"(2) On the day on which the Secretary of the Senate and the Clerk of the House of Representatives receive a recommended rule, the Secretary and the Clerk shall transmit a copy of such rule to the appropriate committees.

"(c)(1) Notwithstanding any other provision of law, no recommended rule may become effective until the expiration of a period of ninety days after the date on which such rule is received by the Secretary of the Senate and the clerk of the House of Representatives, except that such rule may not become effective under this paragraph if within such ninety-day period a joint resolution with respect to such rule has become law.

"(2) For purposes of this section—

"(A) the term 'days' means only days of continuous session of Congress;

"(B) continuity of session is broken only by an adjournment sine die at the end of a Congress; and

"(C) the days on which either House is not in session because of an adjournment or recess to a day certain shall be excluded in the computation of days of continuous session of Congress for the ninety-day period referred to in this subsection if the adjournment is for more than five days.

"(d) Notwithstanding any other provision of law, any rule subject to this section shall be considered a recommendation of the Commission to the Congress and shall have no force and effect as a rule unless such rule has become effective in accordance with this section.

"(e) Whenever an appropriate committee reports a joint resolution pursuant to this section, the resolution shall be accompanied by a committee report specifying the reasons for the committee's action.

"(f) Congressional inaction on, or rejection of, any joint resolution shall not be deemed an expression of approval of the rule involved. The compliance of the Commission with the requirements of this section, including any determination by the Commission under this section, shall not be subject to judicial review of any kind.

"(g)(1) If a recommended rule of the Commission does not become effective because of an adjournment of Congress sine die before the expiration of the period specified in subsection (c)(1), the Commission may resubmit the recommended rule at the beginning of the next regular session of Congress. The ninety-day period specified in the first sentence of subsection (c)(1) shall begin on the date of such resubmission, and such rule may only become effective in accordance with this section. The Commission shall not be required to forward such rule to the Federal Register for publication if such rule is identical to the rule transmitted during the previous session of Congress.

"(2) If a recommended rule of the Commission is disapproved under this section, the Commission may issue a recommended rule which relates to the same acts or practices as the disapproved rule. Such recommended rule—

"(A) shall be based upon—

"(i) the rulemaking record of the recommended rule disapproved by the Congress; or

"(ii) such rulemaking record and the record established in supplemental rulemaking proceedings conducted by the Commission, in accordance with section 553 of title 5, United States Code, in any case in which the Commission determines that it is necessary to supplement the existing rulemaking record; and

"(B) may reflect such changes as the Commission considers necessary or appropriate, including such changes as may be appropriate in light of congressional debate and consideration of the joint resolution with respect to the rule.

"(3) After issuing a recommended rule under this subsection, the Commission shall transmit such rule to the Secretary of the Senate and the Clerk of the House of Representatives, in accordance with subsection (b)(1), and such rule shall only become effective in accordance with this section.

"(h) The provisions of this subsection, paragraphs (1) and (2) of subsection (a), subsection (e), and subsections (i) through (l) are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions, and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(i) Except as provided in subsection (l), joint resolutions shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(j)(1)(A) Except as provided in subparagraph (B), if the committee to which a joint resolution has been referred does not report such resolution within 30 days after the date of transmittal to the Congress of the recommended rule to which such joint resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which a joint resolution transmitted from the other House has been referred does not report such resolution within 30 days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) must be supported in the House in writing by one-fifth of the Members, duly chosen and sworn, and in the Senate by motion of the majority leader supported by the minority leader, and is highly privileged in the House and privileged in the Senate (except that it may not be made after a joint resolution has been reported with respect to the same rule), and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader, or their designees.

"(k)(1) Except as provided in paragraphs (2) and (3), consideration of a joint resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of a joint resolution, or when the companion joint resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding any rule of the Standing Rules of the Senate (except rule XXII) or any rule of the House of Representatives at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such joint resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable.

"(3) Debate on a joint resolution shall be limited to not more than ten hours (except that when one House has debated the joint resolution of that House, the companion joint resolution of the other House shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader, or their designees. An amendment to, or motion to recommit, the joint resolution is not in order. Any other motions shall be decided without debate, except that no motion to proceed to the consideration of any other matter shall be in order.

"(l) If a joint resolution has been reported or discharged from the committee of the House to which it was referred, and that House receives a joint resolution with respect to the same rule from the other House, the resolution of disapproval of the other House shall be placed on the appropriate calendar of the first House. If, prior to the disposition of a joint resolution of one House, that House receives a joint resolution with respect to the same rule from the other House, the vote in the first House

shall occur on the joint resolution of the other House.".

(b)(1) This subsection is adopted as an exercise of the power of each House of Congress to determine the rules of its proceedings. The Congress specifically finds that the provisions of this subsection are essential to the Congress in exercising its constitutional responsibility to monitor and to review exercises by the executive of delegated powers of a legislative character.

(2)(A) After the Senate and the House of Representatives adopt a joint resolution with respect to a rule pursuant to section 25 of the Federal Trade Commission Act, it shall be in order in the Senate or the House of Representatives, notwithstanding any provision of the Standing Rules of the Senate (except rule XXII) or the Rules of the House of Representatives, to consider an amendment described in subparagraph (B) to a bill or resolution making appropriations for the Federal Trade Commission.

(B) An amendment referred to in subparagraph (A) is an amendment which only contains provisions to prohibit the use of funds appropriated in the bill or resolution described in such subparagraph for the issuing, promulgating, enforcing, or otherwise carrying out a rule with respect to which a joint resolution has been adopted pursuant to section 25 of the Federal Trade Commission Act.

(3) Debate on an amendment described in paragraph (2)(B) shall be limited to not more than four hours, which shall be divided in the House of Representatives equally those favoring and those opposing the amendment and which shall be divided in the Senate equally between, and controlled, by the majority leader and the minority leader or their designees. An amendment to, or motion to recommit, the amendment is not in order. Any other motions shall be decided without debate, except that no motion to proceed to the consideration of any other matter shall be in order.

(C) The amendments made by this section shall cease, to have any force and effect on or after the date which is five years after the date of enactment of this Act.

On page 15, line 15, strike out "(b)" and insert in lieu thereof "(d)".

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services, be authorized to meet during the session of the Senate on Monday, April 6, 1987, at 4:30 p.m. in open session to consider and act on the nomination of James H. Webb, Jr., to be Secretary of the Navy.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON INVESTIGATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Monday, April 6, 1987, at 2 p.m. to hold hearings on the exploitation of young adults in door-to-door sales.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## LADY RAZORBACKS

● Mr. PRYOR. Mr. President, recently the University of Arkansas Lady Razorbacks won the National Invitational Basketball Tournment in Amarillo, TX. In doing so, the Lady Razorbacks defeated the fourth, second, and first-seeded teams. They set tournament records for total points—305—and points in a single game—112.

I join the people of my State in paying tribute to Coach John Sutherland and his fine team for their excellent performance in this tournament and ask that a resolution passed recently by the Arkansas State Senate be printed in the RECORD.

The resolution follows:

Whereas, the University of Arkansas Lady Razorbacks Basketball Team has won the 1987 Women's National Invitational Tournament, defeating Montana, Providence, and California university teams by an average margin of 20 points per game; and

Whereas, the U of A Lady Razorbacks have set an NIT record for total points scored, with 305 points in three games, breaking another NIT record by scoring 112 to 80 against the University of California at Berkeley and becoming the first Southwest Conference team to win the Women's NIT; and

Whereas, these victories were broadcast on national television, heightening public awareness and appreciation of our great state; and

Whereas, Lady Razorbacks Coach John Sutherland has distinguished himself by his selection as 1986 Southwest Conference Coach of the Year; and

Whereas, the Women's Athletic Program at the University of Arkansas has given young women opportunities to advance their educational goals while expanding their athletic abilities, with the Lady Razorbacks including young women student athletes from across the state and showing a 100 percent graduation rate among its four-year seniors; and

Whereas, this team has established a distinguished record of good sportsmanship, practicing exemplary behavior in each game; and

Whereas, the Lady Razorback games have presented hours of wholesome entertainment for the public and set an exceptional example for girls throughout Arkansas who aspire to athletic and academic greatness: Therefore, be it

*Resolved*, That the 1986-87 University of Arkansas Lady Razorbacks Basketball Team is recognized by the Arkansas Senate as a harbinger of the contribution of women's sports to the future of our young people in Arkansas.●

## OPPOSITION TO REDUCED FUNDING FOR VETERANS' ADMINISTRATION MEDICAL CARE

● Mr. MURKOWSKI. Mr. President, I rise today, as ranking minority member of the Committee on Veterans' Affairs, to join with the distinguished chairman of the Senate Veterans' Affairs Committee, Senator ALAN CRANSTON, in support of a concurrent resolution relating to medical care for our Nation's veterans. Specifically, this measure rejects the administration's proposal that funding be eliminated for the care of certain veterans and expresses strong congressional opposition to a proposal to exclude any category of eligible veterans from receiving VA hospital, nursing home, or other care through a reduction in current funding or program levels.

On January 14, 1987, I, along with all other members of the Veterans' Affairs Committee, introduced Senate Concurrent Resolution 7 relating to proposed reductions in VA medical care funding levels. This resolution was referred to the Veterans' Affairs Committee. I regret, however, that although all committee members supported this measure, Senate Concurrent Resolution 7 was not considered by the committee during its February 26, 1987, executive meeting. During that meeting, the committee, pursuant to section 301(c) of the Congressional Budget Act of 1974, unanimously approved the committee's views and estimates with respect to the VA's fiscal year 1988 budget. Relative to the VA's medical care account, consistent with our views to generally maintain a current services budget, the committee recommended funding to maintain the fiscal year 1987 authorized staffing level in addition to staffing for activation of new VA facilities and staff for special programs.

In title XIX of Public Law 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1985, the Congress restablished three categories of veterans' health-care eligibility. The law provides that the VA shall furnish needed hospital care and may furnish needed nursing home care to eligible veterans in category A. Veterans in category A include veterans who have service-connected disabilities, certain special categories of veterans, and veterans who have non-service-connected disabilities and who have annual incomes not greater than $15,195 for veterans with no dependents. The VA may furnish needed hospital and nursing home care to veterans in category B, to the extent that resources and facilities are available. Veterans in category B include veterans who have non-service-connected disabilities and who have annual incomes not greater than $20,260 for veterans with no dependents. The VA may also furnish needed hospital and nursing home care to veterans in category C, to the extent that resources and facilities are otherwise available, if the veteran agrees to pay a modest copayment. Veterans in category C include veterans who have non-service-connected disabilities and who have annual incomes above $20,260 for veterans with no dependents.

This legislation was intended to provide that all categories of eligible vet-

erans could continue to receive VA hospital and nursing home care if existing resources and space are available. By taking this approach, the Congress intended to provide hospital and nursing home care, to the extent possible without expanding the current size of the VA medical care system, for veterans in category C.

The administration's proposal contained in the VA's fiscal year 1988 budget request, as well as the administration's proposed recission for fiscal year 1987, which would eliminate funding for health care to category C veterans, is totally unacceptable.

If the administration's proposed funding reductions are enacted, the VA's medical care budget would be reduced by 3 percent, the approximate percentage of category C veterans that were furnished VA health care since July 1986. I do not believe it is reasonable to expect that only category C veterans would be affected by implementing such a funding reduction. For all practical purposes, reductions would have to be made in a manner which would affect all eligible veterans seeking VA health care. So, not only would the availability of VA health care be essentially eliminated for category C veterans, but category A and B veterans would certainly find a reduction in their access to health care as well.

Mr. President, I urge my colleagues to consider carefully the impact of a 3-percent reduction in funding for VA medical care for our Nation's veterans, and to join with me in assuring Senate passage of this concurrent resolution which will send a message of strong congressional opposition to such a proposal.●

## RURAL ELECTRIC AND RURAL TELEPHONE COOPERATIVES

● Mr. MELCHER. Mr. President, this administration has preached from every pulpit they could find that privatization, like cleanliness, is next to godliness. Privatization, when it is in the public interest, is a good idea. But, when the rural electric and rural telephone cooperatives proposed that they prepay some loans held by the Federal Government under the Federal Financing Bank, the Treasury Department objected.

Congress had determined that it would be in the public interest that these loans could be prepaid. What makes it in the public interests is that the rural electric and rural telephone cooperatives could then refinance privately, at lower interest rates, and pass the savings on to their customers. That is privatization and is in the public interest. The bill that I have sponsored along with Senator EXON and others, the Rural Electric Refinancing Act, will certainly establish that fact, the Treasury Department's objections notwithstanding.

Steps must be taken for revitalizing rural America. One of the first steps is to help nonprofit rural electric and rural telephone cooperatives to hold down their costs to rural Americans. These cooperatives have been, and continue to be, the lifeblood for rural America. They provide the electric power and means of communication which are essential for people living in rural America and which are basic to the rural economy.

In the last Congress we felt that congressional intention was clearly spelled out for the Treasury Department regarding the handling of prepayment of rural electric and telephone cooperative loans. However, the regulations that were developed by Treasury obstinately hinder refinancing. The Rural Electric Refinancing Act will remove the power of the Treasury Department to block prepayment and refinancing in the private sector that the rural electric and rural telephone cooperatives are capable of obtaining to benefit their customers. Paying off debts early, saving money and stimulating the private sector makes sense and that is why this bill, the Rural Electric Refinancing Act, is good legislation worthy of support from all of our colleagues. I urge its prompt passage.●

## HERBERT H. McADAMS II

● Mr. PRYOR. Mr. President, later this month, Fifty for the Future, a civic organization of business and industrial leaders in Pulaski County in my State will honor Herbert H. McAdams II as winner of the William F. Rector Award.

Herbert McAdams has a wide range of interests in his community and our State and is certainly deserving of this award made in memory of William F. Rector, a real estate developer and civic leader in Little Rock.

His achievements are best stated in a recent article in an Arkansas Gazette announcement which I submit for the RECORD.

I join Fifty for the Future in recognizing Herbert for this well-deserved honor.

The article follows:

[From the Arkansas Gazette, Apr. 1, 1987]

LR BANKER TO RECEIVE RECTOR AWARD

Herbert H. McAdams II of Little Rock, chairman of the board and chief executive officer of Union National Bank, has been named winner of the William F. Rector Memorial Award by Fifty for the Future.

The award will be presented to McAdams at a dinner April 28.

The announcement was made Tuesday by Noland Blass, Jr., president of Fifty for the Future, a civic organization of business and industrial leaders in Pulaski County. The memorial is named for a real estate developer and civil leader.

LEADERSHIP PRAISED

McAdams received the award for outstanding leadership and contributions to the development of the city and state, Blass said. McAdams was an early member of the Arkansas Industrial Development Commission and was chairman for five years. He has served on the boards of the Baptist Medical System and Arkansas Children's Hosptial and was co-chairman of the campaign fund for expansion of St. Vincent Infirmary.

He was chairman of the fundraising committee for the Winthrop Rockfeller Memorial Gallery while a member of the board of the Arkansas Arts Center. In the mid-1970s, McAdams donated funds to the Arkansas Symphony Orchestra for the purchase of an orchestra shell.

ON CONFERENCE BOARDS

He has served on the boards of the Arkansas and National Conferences of Christians and Jews. He was one of the founders and first chairman of the board of the Metrocentre Improvement District.

McAdams has been chairman of the board and president of the Home Federal Savings and Loan Association at Jonesboro and director of the Little Rock branch of the Federal Reserve Bank at St. Louis. He is a member of both state and national banking associations and is former president of the Craighead County Bar Association.

HOLD HONORARY DOCTORATE

McAdams, a Jonesboro native, is a graduate of Northwestern University and attended Harvard and Loyola University before receiving his law degree from the University of Arkansas at Fayetteville in 1940. He received an honorary doctor of laws degree from Arkansas State University at Jonesboro in 1984.

McAdams received the Purple Heart while in the Navy during World War II.●

## CLINTON, ARKANSAS, DAY

● Mr. PRYOR. Mr. President, the city of Clinton, AR, in Van Buren County, AR, will soon honor two of its own who have distinguished themselves in the military.

Maj. Gen. Bill Lefler of the U.S. Army Dental Corps and Maj. Gen. Hugh R. Overholt, Judge Advocate General of the Army will be honored in "Clinton, Arkansas, Day" festivities.

I add my congratulations to those that the people of Clinton will be giving these two deserving men who have given so much in the defense of our country. All Arkansans join the people of Clinton in recognizing these men and their dedication.

I ask that the following sketches of their service records be printed in the RECORD.

The records follow:

BIOGRAPHY OF MAJ. GEN. BILL B. LEFLER

Major General Bill B. Lefler received his commission in March 1956 and has served throughout the broad spectrum of the Army Dental Corps. His career as an Army dentist has earned him recognition as one of the service's most noted prosthodontists and administrators.

Born in Rawlins, Wyoming, he grew up in Clinton, Arkansas, and attended Hendrix College from 1951-1953. He is a December

1956 graduate of the University of Tennessee School of Dentistry and completed his specialty residency in fixed prosthodontics at Fort Bragg, North Carolina, in 1968.

He has held a wide variety of important command and staff positions culminating in his current assignment as Assistant Surgeon General for Dental Services/Chief, Army Dental Corps.

Key assignments held recently include:

Senior Dental Corps Staff Officer, Office of The Surgeon General; Deputy Commander, USA Health Services Command, and Deputy Commander/Assistant Chief Surgeon, 7th Medical Command, Europe.

Major General Lefler served in a variety of progressive assignments preparatory to his most recent duties. These have included:

Army Senior Dental Program, 1956-1957, Un of Tennessee, School of Dentistry.

Chief, Prosthodontics, 1957-1959, Dental Clinic #1, Ft. Chaffee, Arkansas.

Dental Surgeon, 1959-1960, 2nd Battle Group, 1st Cav Div, Korea.

Asst. Chief, Fixed Prosthodontics, 1960-1963, Ft. Benning, GA.

Chief, Fixed Prosthodontics, 1963-1966, 196th Station Hosptial, Paris, France.

Resident and Asst Chief, Fixed Prosthodontics, 1966-1968, Fort Bragg, N. Carolina.

Chief, Fixed Prosthodontics and Resident Advisor and Coordinator Gen Dentistry Resident and Dental Interns, 1968-1972, Fort Knox, Kentucky.

Chief, Fixed Prosthodontics Service, Dept of Dentistry Walter Reed AMC, WASH, DC, 1972-1976 Walter Reed AMC, Washington, D.C.

Chief, Restorative Dentistry Service, WRAMC.

Co-Director, Prosthodontic Residency Program, WRAMC.

Co-Director, "Current Concepts of Restorative Dentistry" (one-week post-graduate course), USA Institute of Dental Research, WRAMC, Washington, D.C.

Consultant in Fixed Prosthodontics to the Army Surgeon General, the VA, the National Naval Dental Center and numerous Army Dental Activities, National Capital area.

Resident Coordinator in Fixed Prosthodontics, Army Dental Corps, Washington, D.C.

Chief, Department of Dentistry, 1975-1976, Walter Reed AMC, Washington, D.C.

Commander, 1976-1979, Dental Activities, Fort Jackson, SC.

Sr. Dental Corps Staff Officer, Feb 79-Aug 79, The Pentagon, Washington, D.C.

Deputy Commander, Aug 79-Oct 80, Dental Services, USA Health Services Cmd, Fort Sam Houston, TX.

Director of Dental Services, Aug 79-Jun 1984, USA Health Services Cmd, Ft Sam Houston, TX.

Deputy Commander, Oct 80-Jun 1984, USA Health Services Cmd, Ft Sam Houston, TX.

Deputy Command/Assistant Chief Surg, USAREUR, Jun 84-30 Nov 86, 7th Medical Command, APO New York 09102.

General Lefler is a recipient of the Army Surgeon General's "A" Prefix, the highest award that can be made in recognition of professional attainment within the Army Medical Department.

He is a Diplomate of the American Board of Prosthodontics, a Charter Fellow of the American College of Prosthodontics. Fellow of the American College of Dentists, Fellow of the International College of Dentists, a member of the American Academy of Crown and Bridge Prosthodontics, the Pierre Fauchard Academy, the Amercian Association of Dental Schools, and the American Dental Association. He is also a member of the Association of Military Surgeons of the United States and the Association of the United States Army.

Among General Lefler's military awards are the Distinguished Service Medal, the Legion of Merit, the Meritorious Service Medal, the Army Commendation Medal, and the Expert Field Medical Badge.

He and his wife, Carolyn, have three children, Tracey Salter, Thomas, also an Army Dental Officer, and Mark.

---

BIOGRAPHY OF MAJ. GEN. HUGH R. OVERHOLT

On 31 July 1985, Major General Overholt was appointed the 32nd Judge Advocate General of the Army.

General Overholt was born in Beebe, Arkansas. He was awarded a Bachelor of Arts degree and his law degree from the University of Arkansas where he served on the Editorial Board of the Law Review. Upon completion of his law studies, he received a direct appointment as a first lieutenant in the Judge Advocate General's Corps. General Overholt's military schooling includes the JAGC Basic and Advanced Courses, Airborne School, Command and General Staff College, and the Industrial College of the Armed Forces.

General Overholt has served in a variety of assignments. He was an Assistant Staff Judge Advocate at the United States Army Field Artillery Training Center, Fort Chaffee, Arkansas; at the United States Army Aviation Center, Fort Rucker, Alabama; at Seventh United States Army Support Command, Europe; and Deputy Staff Judge Advocate, 101st Airborne Division, Fort Campbell, Kentucky. He was the Staff Judge Advocate of the 7th Infantry Division in Korea; and served as Chief of Military Justice Division, Director of the Academic Department, and then Chief of the Criminal Law Division of The Judge Advocate General's School, Charlottesville, Virginia. In the Office of The Judge Advocate General, Headquarters Department of the Army, Washington, D.C., he served as Chief of the Personnel, Plans and Training Office. As a colonel, General Overholt served as Staff Judge Advocate, XVIII Airborne Corps at Fort Bragg, Fort Bragg, North Carolina; and as Special Assistant for Legal and Selected Policy Matters, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), Washington, D.C. Following his promotion to brigadier general, General Overholt served as Assistant Judge Advocate General for Military Law. His most recent assignment has been as The Assistant Judge Advocate General.

General Overholt has been awarded the Legion of Merit, the Defense Meritorious Service Medal, the Meritorious Service Medal (with Oak Leaf Cluster), and the Army Commendation Medal (with two Oak Leaf Clusters).

He is married to the former Laura Annell (Ann) Arnold. They have two children: Sharon Lea and Hugh Scott.

RESUME OF SERVICE CAREER OF HUGH ROBERT OVERHOLT, MAJOR GENERAL

Date and place of birth: 29 October 1933, Beebe, Arkansas.

Years of active commissioned service: 29.

Present assignment: The Judge Advocate General, United States Army, Washington, DC 20310, since August 1985.

Military schools attended: The Judge Advocate General's School—Basic and Advanced Courses United States Army Command and General Staff College Industrial College of the Armed Forces.

Educational degrees: University of Arkansas, BA Degree; University of Arkansas, LLB Degree, Law.

RECENT MAJOR DUTY ASSIGNMENTS

| From | To | Assignment |
|---|---|---|
| July 1969 | January 1971 | Chief, military, justice division, the Judge Advocate General's School, Charlottesville, VA. |
| January 1971 | June 1973 | Director, academic department and chief, criminal law division, the Judge Advocate General's School, Charlottesville, VA. |
| July 1973 | June 1975 | Chief, personnel, plans, and training office, Office of the Judge Advocate General, U.S. Army, Washington, DC. |
| August 1975 | June 1976 | Student, Industrial College of the Armed Forces, Fort Leslie J. McNair, Washington, DC. |
| July 1976 | June 1978 | Staff judge advocate, XVIII Airborne Corps and Fort Bragg, NC. |
| June 1978 | June 1979 | Special Assistant for Legal and Selected Policy Matters, Office, Deputy Assistant Secretary of Defense (Military Personnel Policy), Office, Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), Washington, DC. |
| June 1979 | July 1981 | Assistant Judge Advocate General for Military Law, Office of the Judge Advocate General, U.S. Army, Washington, DC. |
| August 1981 | July 1985 | The Assistant Judge Advocate General, Washington, DC. |
| August 1985 | | The Judge Advocate General, Washington, DC. |

| Promotions | Dates of appointment | |
|---|---|---|
| | Temporary | Permanent |
| 1st lieutenant | Sept. 25, 1957 | Sept. 25, 1957. |
| Captain | Nov. 29, 1960 | Oct. 9, 1961. |
| Major | Sept. 29, 1965 | Nov. 12. 1968. |
| Lieutenant colonel | Nov. 27, 1968 | Sept. 25, 1975. |
| Colonel | May 1, 1976 | Sept. 25, 1978. |
| Brigadier general | Sept. 1, 1979 | |
| Major general | Aug. 1, 1981 | Aug. 1, 1981. |

U.S. decorations and badges: Legion of Merit, Meritorious Service Medal (with Oak Leaf Cluster), Army Commendation Medal (with 2 Oak Leaf Clusters), Parachutist Badge.

Source of commission: Direct Appointment.●

---

## CHRIS ANNA McKENZIE

● Mr. PRYOR. Mr. President, last month in Fort Smith, AR, the Sertoma Club honored an extraordinary young woman for her achievements in working with visually impaired children and their parents.

Twenty-eight-year-old Chris Anna McKenzie was cited for her work for the Arkansas Division of Services for the Blind and was awarded the Sertoma's annual Service to Mankind Award.

Having been born blind herself, Chris is an inspiration to all of us and I salute her, her dedication and her parents.

I ask that the following article from the Southwest Times Record about this award be printed in the RECORD.

The article follows:

"SHE GIVES A LOT OF HERSELF"

FORT SMITH.—Chris Anna McKenzie's chin quivered as she stood before the Downtown Sertoma Club Friday, shocked to learn

she had just received the group's annual Service to Mankind Award.

In the crowd stood Bill and Pearl McKenzie of Little Rock. Their faces beamed as they applauded their daughter. Chris McKenzie, 28, mustered a grin, spoke a simple "thank you" and reached for the back of her chair.

"I was really surprised," she later told a reporter. "I was here two years ago to speak, and I thought that was why I was here today."

Club spokesman Jim Selig said McKenzie was selected to receive the award because of her work with some 100 visually impaired children and their parents. As an employee of the state Division of Services for the Blind, McKenzie travels an 18-county area from Benton and Marion Counties in the north to Polk in the southwest, helping people apply for state and federal assistance and teaching them skills to cope in a seeing world.

"She's an exceptional person," Selig said. "She gives a lot of herself, her time and her money to help the blind."

McKenzie, who lives at Fort Smith, said she preferred working with children because she could relate to their problems, having been born blind.

As a student at Harding College, McKenzie was named to the dean's list while earning a bachelor of arts degree in three years. She also maintained a 3.60 grade point average while earning a master's degree in counseling at the University of Arkansas at Fayetteville. Neither school at that time had special programs for the blind.

McKenzie attended high school at the Arkansas School for the Blind at Little Rock.

Although she has proved to be an inspiration to hundreds of people throughout the state, McKenzie is quick to give credit for her successes. "I was fortunate because I've had exceptional parents."—Rodney Bowers.●

## CONSTITUTION SIGNER HAS AN ARKANSAS CONNECTION

● Mr. PRYOR. Mr. President, as we celebrate the Bicentennial of our Constitution, I wanted to bring to the attention of my colleagues the fact that one of the signers has an Arkansas connection.

Though we tend to think of the Thirteen Original Colonies in existence at the time of the signing of the Constitution, David Brearly of New Jersey has a grandson who was instrumental in the founding of Dardanelle, AR.

The Yell County Historical and Genealogical Association and the Arkansas River Valley Regional Library recently sent me material about this ancestor of one of the original signers and I wanted to share this information with my colleagues. I ask that this material be printed in the RECORD.

The material follows:

ARKANSAS RIVER VALLEY
REGIONAL LIBRARY SYSTEM,
*Dardanelle, AR, March 30, 1987.*

Hon. DAVID PRYOR,
*U.S. Senate,*
*Washington, DC*

DEAR SENATOR PRYOR: In this year when we are celebrating the signing of the U.S. Constitution, I thought that you might appreciate having the enclosed information for your files.

Many times we associate the Constitution with the 13 colonies and we forget that Arkansas has a direct link to this important document.

The David Brearly who signed the Constitution of the United States is the grandfather of Dr. Joseph Bearly who gave the land for the town of Dardanelle. Complete information is in the material enclosed which is provided to you courtesy of the Yell County Historical and Genealogical Association and the Arkansas River Valley Regional Library.

I realize that usually when I write to you I am asking for your help. It is a pleasure to be able to write you about something which I believe will help you.

Sincerely yours,

TWYLA FERGUSON,
*Chairman, Yell County Library Board.*

---

TO PROVIDE FOR THE COMMON DEFENSE
(By David Brearly)

INTRODUCTION

In September 1987 the United States commemorates the bicentennial of the signing of the Constitution. Twenty-two of the thirty-nine signers of the Constitution were veterans of the Revolutionary War. Their experiences in that conflict made them deeply conscious of the need for a strong central government that would prevail against its enemies, yet one that would safeguard the individual liberties and the republican form of government for which they had fought. Their solution is enshrined in the Constitution. The President of the United States is the Commander in Chief of the nation's military forces. But it is the Congress that has the power to raise and support those forces, and to declare war. The Founding Fathers established for all time the precedent that the military, subordinated to the Congress, would remain the servant of the Republic. The concept is the underpinning of the American military officer. These twenty-two men were patriots and leaders in every sense of the word: they fought the war, they signed the Constitution, and they forged the new government. They all went on to careers of distinguished public service in the new Republic. Their accomplishments should not be forgotten by those who enjoy the fruits of their labors. Nor should we forget the fortieth man whose name appears on the Constitution. The secretary was the twenty-third Revolutionary veteran in the Convention, who continued his service to the nation as one of its first civil servants.

This pamphlet was prepared by the U.S. Army Center of Military History with the hope that it will provide you with the background of a great American; stimulate you to learn more about him; and help you enjoy and appreciate the bicentennial.

JOHN O. MARSH, Jr.,
*Secretary of the Army.*

DAVID BREARLY, NEW JERSEY

David Brearly, who represented New Jersey at the Constitutional Convention, was an important spokesman for the proposition that law has primacy over governments and social institutions. A student of the Enlightenment philosophers and English jurists, he adopted their idea that a contract existed between the individual and the state. He held that the citizens possessed basic rights that had been encapsulated in the Common Law and customs of England, and that neither the will of Parliament nor the immediate needs of local society should take precedence over these fundamental rights. He defended these beliefs on the battlefield during the Revolution and later, as an eminent American jurist, from the bench. Brearly then helped frame the Constitution, with its careful definition of the rights of citizens and the obligations of government and became one of the first federal judges to serve under this new supreme law of the land.

Brearly's experiences during the Revolution did much to clarify his attitudes toward government. He came to realize in the tumult of the civil war that raged through his home state that without the protection of a strong government the individual citizen's rights would always be hostage to the whims of popular prejudice. A soldier with ties to both militia and regulars, he concluded that only a constitutionally based government could guarantee that the nation's military forces would remain properly subordinated to its elected civilan leaders. From his wartime experience, he also recalled the confusion and chaos that had accompanied a government that was only a weak confederation of the states. A future under such a confederation seemed especially dangerous for small states like New Jersey. He sought a stronger government that would recognize and protect the rights of all the states under a rule of law.

THE PATRIOT

The Brearly family emigrated from Yorkshire in the north of England in 1680, settling in "West Jersey," an area of the colony that looked toward Philadelphia rather than New York for leadership. Brearly grew up near Trenton and attended the College of New Jersey (now Princeton University). He left college before graduating (Princeton would later award its eminent son an honorary degree) to take up the study of the law. He was eventually accepted by the bar and opened a practice in Allentown, a flourishing community at the western end of Monmouth County near Trenton.

Brearly's student years set the course of his subsequent political interests. Princeton's curriculum exposed him to the intellectual ferment of the Enlightenment, expecially its notions of individual rights, while his legal training required a thorough grounding in treatises on the Common Law. Brearly's studies formed him into a young Patriot, one of Monmouth County's outspoken opponents of Parliamentary absolutism. His biting criticism of the government provoked the ire of Royal Governor William Franklin, who threatened to arrest the popular lawyer for high treason.

Brearly's career took a new turn in the summer of 1776 when New Jersey openly supported the call for independence. His neighbors had elected him to serve as a colonel in the county militia. During this period the Patriots used the militia as the vehicle to implement the decisions of the as yet unofficial government of New Jersey and to prevent opponents from obstructing the move toward independence. Working under the supervision of the local Committee of Safety and the legislature, Brearly recruited, organized, and trained his unit and used it to disarm local Loyalists. Brearly would later come to realize the risk inherent in this kind of extralegal action, but at the time his efforts contributed directly to smoothing the transition to the new state government.

THE SOLDIER

While New Jersey was taking its final steps toward independence, a massive Brit-

ish armada appeared off New York harbor. These forces clearly outnumbered Washington's continentals, and Congress called on nearby states to mobilize their citizen-soldiers to resist the coming assault. Included in New Jersey's 3,300-man quota was Colonel Philip Van Cortlandt's regiment, in which Brearly was second in command. The regiment spent part of its active duty guarding New Jersey's shoreline before transferring to Manhattan for the closing phases of the fight for New York City.

Despite the efforts of Washington's regulars and the massed militia, New York and its strategic harbor fell to the enemy in September 1776. The defeat provided an important lesson that Washington and his senior officers pressed on the Continental Congress: it would take full-time soldiers to engage British and Hessian regiments successfully in open battle. While militia units could play an important role in local defense and flank security, the Continental Army required men who could serve long enough to learn the complex tactics involved in eighteenth century linear warfare. Congress accepted this argument, authorizing a large increase in the Army and directing that it serve for the duration of the war instead of one year at a time.

New Jersey's quota of Continental regiments under the new legislation increased by one, and the state's political and military leaders conferred over the choice of the additional senior officers required to form it. Brearly's militia record attracted their attention, and they commissioned him as lieutenant colonel of the 4th New Jersey Regiment, although resignations and promotions almost immediately led to his transfer to the state's senior unit, the 1st, which had just returned to the state from a year of duty on the Canadian front.

Brearly assisted the regiment's commander, Colonel Matthias Ogden, in reenlisting the men, replacing losses, and reequipping the unit. At the same time, the regiment had to help defend the northern part of the state in the aftermath of the battles of Trenton and Princeton. This latter activity involved constant patrols and frequent skirmishes with Boston troops based around New Brunswick and Amboy. Beginning in May 1777, the New Jersey Brigade under Brigadier General William Maxwell joined the main army in a series of marches and countermarches across the middle of the state while Washington puzzled over whether Philadelphia or Albany would be the enemy's next target.

General Sir William Howe's Redcoats eventually boarded ships and, sailing by way of Chesapeake Bay, attacked Philadelphia from the rear. Washington hastily redeployed his units to face the new danger, eventually establishing a defensive line along Brandywine Creek. On the morning of 11 September Hessians and some British light troops appeared before Chad's Ford and immediately engaged the New Jersey Brigade. Hard skirmishing lasted all morning as the outnumbered continentals appeared to be holding their own; in the afternoon Howe's main force, which had crossed far upstream at an unguarded ford, appeared on Washington's flank and eventually forced the Americans to retreat. Brearly and the rest of Maxwell's men helped cover the withdrawal as Philadelphia fell to the enemy. When the Americans counterattacked at Germantown three weeks later, the New Jersey Brigade formed the reserve of one of the two assault columns. The American units were engaged in hard fighting when fog and confusion forced Washington to break off the battle.

Although participating in these two defeats, Brearly's regiment remained highly motivated. During the following winter the men's confidence increased when they were trained by Frederick von Stuben at Valley Forge. In June 1778 the regiment joined in a pursuit of British forces across New Jersey, forming part of the American advance guard and acquitting itself with honor at the battle of Monmouth.

Unable to mass the strength required to take on Washington's full force, the British adopted a new strategy in 1778, concentrating their military effort on the conquest of southern states. With operations drawing down in the northern theater, and facing a reorganization caused by reduced strength, New Jersey surveyed the senior officers of the state line to determine which were willing to retire. Brearly volunteered, retiring in August 1779 to resume his legal career. In his three years with the militia and continentals, Brearly had gained valuable insights into the political dimension of the age-old issue of civilian control over the military. He remained in touch with military affairs by resuming his old milita command in Monmouth County's 2d Regiment, and later serving as a vice president of the Society of the Cincinnati, the famous veteran's organization.

THE STATESMAN

In the summer of 1779 New Jersey appointed Brearly to succeed Robert Morris as the state's chief justice. Despite his relative youth, he immediately made his mark in American legal history when his court decided the famous case of *Holmes vs. Walton.* The case evolved out of the state's effort to curb contraband trade with the British. Trading with the enemy was popular since the British could buy food and supplies with hard cash or scarce imported items while the American forces most often depended on depreciated paper money or promissory notes. In 1778 New Jersey passed a law that allowed Patriots to seize goods being brought into the state by Loyalists or enemy troops. Suspects were to be tried in a civilian court before juries of six men, instead of the customary twelve dictated by Common Law.

Caught smuggling goods to the British, John Holmes and a companion were duly tried and convicted by a six-man jury. They appealed the conviction to the state Supreme Court, and after lengthy deliberation, Judge Brearly overturned the conviction, declaring the law null and void because it violated the state's Constitution that guaranteed trial by jury under customary English Common Law. For the first time in American history a court asserted the concept of judicial review, including the right to declare laws passed by a legislature unconstitutional. The decision provoked a public outrage. Although Brearly, a famous veteran, clearly sympathized with the intent of the legislature, he decided in favor of the higher principle involved. His decision was cited in courts in other states and was incorporated into the Constitution of the United States.

In 1787 the New Jersey legislature appointed Brearly to represent the state at the Constitutional Convention in Philadelphia. Although no orator, Brearly quickly won the respect of his fellow delegates for his legal wisdom and his willingness to work for essential compromises. In addition to his labor on the judicial provisions of the new instrument of government, he served as a spokesman for a group that sought to defend the rights of the small states. He also presided over the important Committee on Postponed Matters that developed many of the compromises needed to achieve final agreement. After signing the Constitution, he returned to New Jersey to preside over the state's ratification convention.

Brearly served as a member of the first Electoral College, which chose his old commander, George Washington, President. At the start of his first administration, Washington nominated Brearly as federal district judge for New Jersey, but the noted jurist lived to serve just one year before his death shortly after his forty-fifth birthday.

Brearly was willing to risk his life and reputation in the cause of the rule of law. He donned uniform, first as a citizen-soldier and later as a regular, because he sought to defend fundamental individual rights. This same dedication to the idea of basic rights continued in his career when as a jurist he took a very unpopular stand so that the citizen's basic freedoms could be preserved, even when they carried short-term costs in efficiency to the state. His dedication to the concept of a supreme law to which all other laws must comply found its most noted expression in the Constitution he helped devise.

The Congress shall have Power . . .
To raise and support Armies . . .;
To provide and maintain a Navy;
To provide for organizing, arming, and disciplining, the Militia . . .; Article I, Section 8.

---

PERSONAL DATA

Birth: 11 June 1745, at Spring Grove, New Jersey.[1]

Occupation: Lawyer.

Military Service: Continential Army—3 years; Highest Rank—Lieutenant Colonel; New Jersey Militia—2 years; Highest Rank Colonel.

Public Service: Chief Justice, New Jersey Supreme Court—10 years; Federal District Judge—2 years.

Death: 16 August 1790, at Trenton, New Jersey.

Place of Interment: St. Michael's Episcopal Church Cemetery, Trenton, New Jersey.

FURTHER READINGS

No full-length biography of David Brearly exists, but details of his life can be found in the following sources: American Historical Society Cyclopedia of New Jersey Biography (3 vols., 1916); William Brearly , Genealogical Chart of the Brearly (sic) Family (1886); Andrew McLaughlin, The Courts, the Constitution, and Parties (1912); Hamilton Schuyler, History of St. Michael's Church, Trenton (1926); and Austin Scott, "Holmes vs. Walton: The New Jrsey Precedent," American Historical Review, 4 (1899): 456-59. Information on his military career is contained in William Stryker's Official Register of the Officers and Men of New Jersey in the Revolutionary War (1872) and general Maxwell's Brigade of the New Jersey Continental Line (1985). Other books which shed light on the creation of the Constitution and the role of the military in the early history of the nation include Sol Bloom, The Story of the Constitution (1937); Don Higginbotham, The War of American Independence (1971); Merrill Jensen, Making

[1] In 1752 the English-speaking world adopted the Gregorian calendar, thereby adding 11 days to the date. Thus Brearley's date of birth was recorded in 1745 as 30 May.

of the Constitution (1979; Richard Kohn, Eagle and Sword (1975); Clinton Rossiter, 1787: The Grand Convention (1966); Gordon Wood, The Creation of the American Republic (1969); and Robert K. Wright, Jr., The Continental Army (1983).

---

FOUNDERS OF DARDANELLE

(By Marguerite Turner)

[Taken from the Arkansas Democrat, January 13, 1963]

Unaware of the historical significance of the ancient obelisk in her own back yard, tiny Carolyn Lindsey plays about the base of the last standing monument marking the private burial grounds of the illustrious sons of an even more illustrious father.

The name of David Brearly is vividly written on the pages of American history. This brilliant statesman, who was a chief justice in New Jersey, was one of the 54 men who met in Philadelphia in 1789, and formed and signed the Constitution of the United States.

The fame of his son, Col. David Brearly (sometimes written Brearley) is mentioned often in the annals that record the history of the early development of the vast wilderness of Arkansas Territory.

The legacy of Col. David Brearly carries across a century and a half. The deeds and accomplishments of this, young man who strode onto a frontier peopled almost entirely by Indians, coupled with his personal charm and magnetism, swept him to power, causing his name to assume a singular significance which made him legendary.

His mortal remains lie in the Brearley private cemetery in Dardanelle, a city he founded on the southern bank of the Arkansas River in the center of the Arkansas Valley between the sprawling Ozarks on the north and rugged Ouachitas on the south.

The cemetery with its fourteen lots wherein are buried the bodies of the colonel, his brothers, Charles and Pearson, their wives and their descendants, is almost within the shadows of two other landmarks, signally important in the Brearley legancy.

One of these is Dardanelle Rock, so named by Brearley when he first beheld the bizarre fashion in which the treacherous waters of the Arkansas swirled about the bases of the twin rocks, standing high above the city.

The other landmark is Council Oaks. This famous Indian camp site and assembly ground is now a park, centered by two giant oaks, their massive trunks and gnarled branches presenting an imposing memorial to important historical events which took place beneath their shade.

These three spots, the cemetery wherein rests his body, the spectacular rock that he named, and the majestic oaks under which he witnessed the signing of the Treaty of Council Oaks in 1820, are synonymous with the Legend of Brearley.

In the early 19th century the Cherokee Indians were removed from their homelands in Georgia, Alabama, Tennessee and the Carolinas, and by treaty they were given land in wild, unsettled territory west of the Mississippi River with an "outlet to the setting sun."

These homeless natives with their meager possessions plodded across the wilderness, settling between the White and the Arkansas Rivers in Arkansas Territory, and at one time held about 3 million acres of land in the rich section.

In 1812 the Cherokee Nation West was formed, and a reservation established at the place where the Illinois Bayou empties into the Arkansas River. The southern boundary of the reservation bordered the river, and the southermost corner lay about one-half mile upstream, and across the Dardanelle Rock.

The sojourn of the Cherokee in the valley of the Arkansas was brief, lasting only a few years, for this period was but a link in the chain of events known as the "Trail of Tears."

The oppressed ones tried as best they could to fashion a new life in the strange valley of the Arkansas, beset by marauding Osage Indian tribes on the north and crowded by white squatters dotting the valley in increasing numbers.

And so, in 1816, by special order of President Monroe, Col. David Brearley came into Arkansas Territory as agent to the Cherokee. Sired by a statesman of English birth from the noble House of Kent who had chosen to seek fulfillment of his dreams on the broad horizons of the New World; nurtured in boyhood by a mother of gentle birth, and backed by an impressive military career, the stalwart young man came well equipped for his task.

One of his first official acts was to take a census of the Cherokee Indians in the territory. Together with Territorial Gov. James Miller, he tracked across the Cherokee Nation. He was solicitous of the needs of the people and sought their confidence.

In the meantime other things were occurring which wrought change in the valley. With Cephas Washburn as the missionary, the Presbyterians founded Dwight Mission, the first Christian school for the Indians west of the Mississippi, at the edge of the reservation. By the early 1820's, white settlers from the east began to arrive. These men were sturdy, lean and land hungry. They were generally ready for a feast or a brawl, and they had little or no regard for the red man.

There was much unrest, and at length the situation became intolerable. At the insistence of the government, a tribal meeting was called by Brearley. The pow-wow was held at the council grounds under the twin oaks, and was attended by all the chiefs of the Cherokee tribes in Arkansas Territory.

Here it was, in 1823, that the Treaty of Council Oaks was signed, whereby the Cherokee Indians relinquished all claim to lands they held south of the Arkansas River.

A description of the day was recorded by Joseph H. Brearley, a son of the colonel. He related that his father had some trees felled to provide seats for Robert Crittenden, acting governor, and the more than 100 chiefs and tribesmen. Chief Black Fox of the Cherokee Nation sat next to Crittenden, and asked the visiting white official several times to move over to make a litle more room. At length Crittenden reached the end of the log and he remarked that there was no room left.

"That is just the way with us," the Indian replied. "Our white brother has moved us from place to place until we can go no farther."

Later, the mad scramble for land began in earnest. About this time David Brearley bought a Spanish land grant belonging to Joe Peran, who was domiciled near the point of rocks. This transaction made the colonel the largest landowner in the territory, and gave him title to Dardanelle Rock and the land where Dardanelle was later to be built.

It was not until after Brearley's death in 1837, however, that his son, Joseph H. Brearley, by this time a doctor, platted the town of Dardanelle, and deeded vast properties to the city for schools, parks, public cemeteries and other beneficial uses.

The marker erected to this grave of Dr. Joseph H. Brearley, who died December 12, 1882, is the lone one standing in the center of Brearley Courts, a recently developed housing project which partially covers the burial grounds.

Time, wind, sun and rain have worn down the hand-hewn stones marking the graves of the men who helped to carve a civilization from out of the wilderness.

Of the stones which have fallen, some are stacked about the obelisk, and others have been carted away.

On All Saints Day and other religious holidays, a figure visits the cemetery and drapes the marker in red, blue and black cloth.

To the south of Council Oaks and the little cemetery, a stream of traffic moves along busy Highway No. 22.

After the Treaty was signed, Jefferson Davis, who was later to become the president of the Confederacy, surveyed and built a road which later was called the Jefferson Davis Highway.

The sound of traffic mingles with the heavy grind of machinery as the multimillion-dollar Dardanelle Dam nears completion on the Arkansas River.

A passing motorist may see a little child, busy with her spade at the base of a strange-looking monolith draped by a cemetery visitor Edith Elizabeth Linker, whose mother, Julia Brearley Sullivan, many years ago told her little girl of the things which her father had told her concerning his father resting there beneath the sod.

And this little girl, grown and aging now, veils her face and drapes the monument with colors representing nobility, valor and sorrow in memory of her Brearley forebears.●

---

## COSPONSORING S. 592, THE MEDICARE CATASTROPHIC ILLNESS COVERAGE ACT

● Mr. HEINZ. Mr. President, today I am adding my name to the list of cosponsors of S. 592, the Medicare Catastrophic Illness Coverage Act. This bill, introduced by Senator DOLE, is the administration's catastrophic health insurance proposal.

I have decided to cosponsor this bill not because I think it is the perfect bill—it is not. There are major gaps in health insurance protection that remain uncovered under this plan. But I believe it is nonetheless a forward looking initiative. It also fills an invaluable role as a backboard off which to bounce more comprehensive solutions. I commend Secretary Bowen for his leadership and hard work in his advocacy of the issue and securing an important place for this proposal on the administration's agenda.

Mr. President, as a member of the Senate Finance Committee, I will be working with my colleagues to develop what I hope will prove to be a more comprehensive catastrophic illness coverage proposal. It is my expectation that we can craft a plan that responds not only to the acute care

needs of the elderly but also to their much greater chronic care needs. I am also concerned that we provide catastrophic coverage for the pre-65 population.

It is my premise that any such comprehensive proposal for acute and chronic care coverage must meet four critical criteria: First, it must rely on a joint public/private approach for financing. Second, it must provide for a full range of services, from community-based to institutional, from catastrophic acute to long-term chronic. Third, it must make coverage accessible and affordable for all Americans. And finally, it must be cost-effective, without threatening quality, and contain safeguards to avoid touching off any additional health care cost inflation.

Compared against these criteria, there are obviously several areas where S. 592 falls short. For example, it does almost nothing to help the elderly with the catastrophic costs of long-term care. For those older Americans who experience more than $2,000 in out-of-pocket health care costs, 80 percent of those costs are attributable to nursing home care. The only relief from this staggering out-of-pocket burden under S. 592 is the elimination of the copayment on extended stays in skilled nursing homes. Given the restricted nature of the Medicare skilled nursing facility benefit, the provision is unlikely to help many people.

Another obvious problem, one not addressed by the administration's plan, is that the coverage for acute care services is inadequate. For example, the plan's $2,000 cap on coinsurance and deductibles would hardly protect an elderly person of modest means from financial catastrophe. It is also unlikely to persuade Medigap policy owners to drop their supplemental plans and self-insure for the first $2,000 in copayments and deductibles. In addition, under S. 592, out-of-pocket costs for many basic health care services would not count toward the $2,000 cap, services such as long-term nursing home care, outpatient prescription drugs, and balance billing by "nonassigned physicians." Additionally, the fact that all beneficiaries electing part B Medicare would have to pay the same premium for this coverage, regardless of their income, is troublesome. I believe we should try to find some way of making this coverage more affordable for the low-income elderly.

Mr. President, I do not mean by this analysis to diminish the significance of the administration's proposal. It marks a beginning. I know that I share with my colleagues who have cosponsored this bill a dedication to building on its foundation and at long last producing a bill that will truly protect our Nation's elderly against the costs of a catastrophic illness.●

## NAUM MEIMAN

● Mr. SIMON. Mr. President, I encourage the Soviet Government to enact the promises of higher emigration figures that we have heard from high ranking Soviet officials. In particular, I urge them to release Naum Meiman to the West. Naum has suffered needlessly for the past 10 years. As an active member of the Helsinki Watch Commission, Naum was persecuted by the Soviet Government for his political activism.

In addition, Naum's wife Inna passed away here in Washington, DC, in February. Inna was a victim of cancer, and she required medical attention available in the United States. The Soviets did not permit Inna to receive this treatment when it could have saved her life. Rather, they continually delayed issuing Inna Meiman an exit visa until her illness progressed to a stage where it could no longer be treated. Naum was not allowed to join his wife in the United States or to attend her funeral.

Soviet action can no longer help Inna Meiman. Naum, however, still wishes to live in the West. I implore the Soviet Government to give Naum Meiman permission to emigrate immediately.●

## AFGHANISTAN: LETTERS FROM THE STATE OF NORTH DAKOTA

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its 8th year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A situation approaching genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of North Dakota and ask that they be printed in the RECORD.

The letters follow:

DEAR SIR: Do you realize that most people in America feel that the Soviets have stopped fighting in Afghanistan—and there are no longer any atrocities being committed against the native people?

There must be some way people can be informed. Why aren't there more newspaper articles written on this subject. The Soviets aren't our friends—much less friends of the Afghanistan people. Mr. Gorbachev is all sweet smiles for the United States—while coldly giving approval to blow off the arms and legs of little children with rigged toys. Please help the Afghanistan people.

With respect,

CAROLE A. TURCHIN.

CASSELTON, ND.

---

DEAR SENATOR HUMPHREY: I am appalled at the atrocities being carried out in Afghanistan and wonder at the seeming reticence of American newspapers to even mention what is going on there. Certainly this is more of a heinous crime against an innocent people than the situation in South Africa, of which the news media keep us fully informed.

There needs to be as much public outrage over Afghanistan as over South Africa so that the Soviets know the American people are aware of Soviet actions there and are incensed over their actions.

I thank you and commend you for your efforts in behalf of these people.

Sincerely,

RALPH BEESON.

WAHPETON, ND.●

## PRESIDENTIAL COMMISSION ON AIDS

Mr. McCAIN. Mr. President, I have a request on behalf of Senator DOLE.

I inquire of the majority leader if he is in a position to grant unanimous consent to continue holding for 1 additional day Senate Resolution 184, which deals with a Presidential Commission on AIDS.

Mr. BYRD. Mr. President, I regret that I have been asked by Senators on my side to object to that request. I am sorry to do that, with the Republican leader not on the floor. I understand that he is tied up at the moment. I regret that I will not be able to accommodate the request in this instance.

Mr. McCAIN. I thank the majority leader.

## EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask the able acting Republican leader, Mr. MCCAIN, about the following nominations on the executive calendar which have been cleared on this side of the aisle: All nominations on page 2 under "Department of State" and "Small Business Administration." On page 3, the two nominations under "Securities Investor Protection Corporation" and "National Corporation for Housing Partnerships."

Mr. McCAIN. Mr. President, the only one that I have on this side that has been approved is that of the Small Business Administration, Mr. Gillum of Virginia.

Mr. BYRD. I thank the Senator.

Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Mr. Charles R. Gillum, of Virginia, to be Inspector General, Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to the consideration of executive business.

## SMALL BUSINESS ADMINISTRATION

The legislative clerk read the nomination of Charles R. Gillum, of Virginia, to be Inspector General, Small Business Administration.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. McCAIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EDUCATION DAY U.S.A.

Mr. BYRD. Mr. President, let me ask the acting Republican leader if he is prepared to give consent to proceed to House Joint Resolution 200 now at the desk. This is a resolution that will designate April 10 as "Education Day U.S.A."

Mr. McCAIN. Mr. President, I say to the distinguished majority leader that we are certainly prepared to call up and pass House Joint Resolution 200 at this time.

Mr. BYRD. I thank the Senator.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 200.

The PRESIDING OFFICER. The joint resolution will be stated.

The legislative clerk read as follows:

A resolution (H.J. Res. 200) to designate April 10, 1987, as "Education Day U.S.A."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. D'AMATO. Mr. President, I rise today to lend my whole-hearted support to House Joint Resolution 200, legislation designating April 10, 1987, as "Education Day U.S.A."

Mr. President, to state the obvious, our Nation has prospered as a result of the high quality of our educational system. Americans tend to take for granted the important role our educational system plays in perpetuating our political heritage and basic freedoms. For this reason, it is important to recognize the role education plays in our Nation by designating April 10, 1987, as "Education Day U.S.A."

Most national governments fear ideas or philosophies that run counter to the prevailing form of government. Americans support their Government because they are presented with, and are allowed to choose from, a wide array of ideas and competing philosophies. This is the bedrock of our political freedom.

And so it is, Mr. President, that I am proud to add my name as a cosponsor of House Joint Resolution 200. The symbolism of designating April 10 as "Education Day U.S.A." is particularly noteworthy. This day marks the birth of Rabbi Menachem Mendall Scheerson. The rabbi is leader of the Lubavitch, the largest branch of the Hasidic movement, and has dedicated himself to promoting education throughout the Nation. The Lubavitch sponsors educational programs in 40 States through 120 privately operated centers.

Mr. President, it is only appropriate that "Education Day U.S.A." falls on Rabbi Scheerson's birthday. A man who has done so much to assist young people throughout the Nation deserves this recognition.

Mr. President, I urge swift passage of House Joint Resolution 200.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that the joint resolution be considered as having been read twice, that it proceed to third reading and pass, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I thank my friend, Mr. McCAIN.

## ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR MORNING BUSINESS TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders are recognized under the standing order tomorrow morning, there be a period for the transaction of morning business, not to extend beyond 10 o'clock a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BYRD. Mr. President, I fully anticipate rollcall votes tomorrow; and I would hope and I would expect that the Senate would complete action on S. 677 tomorrow.

I also hope that it will be possible, upon the disposition of S. 677 on tomorrow, for the Senate to then proceed to the homeless relief legislation.

The distinguished Republican leader and I have joined in cosponsoring that legislation. There is a bill on the calendar that came over from the House, dealing with homeless relief legislation, and it may be possible to work out some agreements in regard thereto. Also, it may be possible to work out some time agreements on the amendments that remain to be offered to S. 677.

## ORDER FOR RECESS TOMORROW FROM 12 NOON UNTIL 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess tomorrow from 12 noon until 2 p.m., to accommodate the two party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if the acting Republican leader, Mr. McCAIN, has no other business to transact, I am informed that the Republican leader has no other requests for today, and, therefore, I move, if there be no further business to come before the Senate, that the Senate stand in recess until the hour of 9:30 tomorrow morning.

The motion was agreed to, and, at 5:02 p.m., the Senate recessed until tomorrow, Tuesday, April 7, 1987, at 9:30 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate April 6, 1987:

SMALL BUSINESS ADMINISTRATION

Charles R. Gillum, of Virginia, to be inspector general, Small Business Administration.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

# EXTENSIONS OF REMARKS

## SOS FOR THE MERCHANT MARINE

**HON. HERBERT H. BATEMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. BATEMAN. Mr. Speaker, I want to share with my colleagues today a series of articles published recently in the Journal of Commerce concerning the importance of maintaining strong Federal cargo preference laws. These articles were written by Frank J. Costello, a partner with the Washington, DC law firm, Zuckert, Scoutt, Rasenbuerger and Johnson, and Nathan J. Bayer, a partner with the New York law firm, Freehill, Hogan and Mahar.

I urge my colleagues to read these articles so that they can understand the importance of cargo preference statutes as a means of helping to save our ailing U.S.-flag merchant marine.

### SOS FOR THE MERCHANT MARINE

(By Frank J. Costello and Nathan J. Bayer)

Can a nation call itself a superpower if it does not have a merchant marine? The United States seems bent on answering this question the hard way.

The inventory of U.S.-flag ships is rapidly decreasing, the supply of qualified U.S. mariners is aging and diminishing and U.S. shipyards are fighting just to stay open.

At the same time, actions of the U.S. government have virtually ended traditional direct subsidy programs for the U.S. maritime industry and have threatened the continued viability and integrity of the cargo preference, a policy that has been the firm foundation of the U.S. Merchant Marine for nearly two hundred years.

The ultimate question of national interest will not be resolved if the present course is followed. Instead, we should today be addressing the following issues: do we need a merchant marine; if we do, can that need be quantified in terms of capacity and employment levels; and if we can set precise goals, how can those goals best be met? These issues can be resolved quickly. They must be resolved quickly or it will be too late.

The principle of a cargo preference for U.S.-flag vessels is almost as old as this country. The Tariff Act of 1789, the second statute enacted by the new Congress, provided for an additional duty of 10% on products carried on vessels "not of the United States."

The U.S.-flag dominated the foreign trade routes in and out of the United States for the next half century, and a strong U.S. maritime industry was created. The preference ended with the Walker Tariff Act of 1846, and the industry began a slow decline.

By the outbreak of the Spanish-American War in 1898, the decline of the U.S. Marchant Marine had reached its nadir. Only 69 U.S.-flag commercial vessels could be assembled into a support fleet, and the U.S. government was forced to purchase 51 foreign vessels, many in disrepair and all suffering from a lack of skilled crew.

The final straw came in 1903 when a British shipping company was awarded the contract to carry all of the military cargo between the United States and the Philippines. The military had been subject to a low bid requirement for approximately 60 years but the award of the Philippines contract—which constituted the vast majority of military shipments to and from the United States—to a foreign flag brought attention to the fact that the very existence of the U.S. Merchant Marine was threatened.

In the early part of 1904, the Congress considered a bill that would require a U.S. military supplies to be transported on U.S.-flag vessels. The House Report left no doubt as to the purpose of that bill:

The effect of reserving the transportation of U.S. naval and military stores by U.S. ships would be far-reaching and beneficial to the nation itself and the interests of general commerce, of the national merchant marine and of the shipbuilding and wage working classes of this country.

This cannot be assured unless some such measure as this can be enacted to help the struggling merchant steamship lines in their competition, on the one side, with cheaply built and operated tramp vessels, and, on the other side, with the heavily subsidized French, German, British and Japanese lines.

This would assure part cargoes at least to keep the ships moving across the ocean. The employment of U.S. ships instead of foreign ships would greatly aid our vessels now out of employment, continue officers, engineers, and seamen on the ocean instead of employing an equal number of foreigners.

That really said it all, and when the Cargo Preference Act of 1904 was enacted on April 28 of that year, the unequivocal purpose was to foster the growth of the U.S. Merchant Marine even if it resulted in greater transportation costs to the government. This purpose has since been reaffirmed in numerous judicial decisions.

A U.S.-flag preference over all U.S. government cargoes appeared in the Merchant Marine Acts of 1920, 1928 and 1936, but it was quantified beyond the requirement that it be "substantial."

Following World War II, a number of foreign aid programs specifically required that at least 50% of the cargo be shipped on U.S.-flag vessels. These were subsumed into the Cargo Preference Act of 1954 which extended the 50% U.S.-flag preference to all U.S. government cargo.

With the 1904 and 1954 acts in place, there was every reason to believe that the viability of the U.S. Merchant Marine was assured. Instead, the last three decades have seen a decline in the U.S. maritime industry similar to that occurring in the second half of the 19th century.

### CARGO PREFERENCE MISSING THE BOAT

(By Frank J. Costello and Nathan J. Bayer)

Preference cargo is today vitally important to the U.S. Merchant Marine. In 1985, Military Sealift Command procurement of commercial U.S.-flag shipping capacity, primarily under the 1904 Act, exceeded $1 billion in transportation revenues.

With non-Department of Defense shipments under the 1954 Act generating approximately $500 million in yearly transportation revenues, the preference laws are accounting for at least 25% of all U.S.-flag revenues.

The magnitude of these numbers, however, obscures the severity of the problems underneath because the preference laws are not achieving their goal of maintaining and encouraging the U.S. maritime industry.

The strategic sea-lift capacity of the United States has declined, in relative terms, to the low point last seen around the turn of the century. From 5,000 U.S.-flag ships at the end of World War II, the U.S.-flag fleet decreased to 537 ships at the end of 1985.

For the first time in the history of this nation, the United States has more combatant ships than commercial vessels. Focusing just on freighter capacity, as of July 1, 1985, there were only 216 U.S.-flag freighters with a combined capacity of 4.3 million deadweight tons. To put this in perspective, the Soviet Bloc nations flew their flags on 2,315 freighters with a combined capacity of 15.4 million deadweight tons.

This strategic gap exists even if other, less certain, assets are added to the U.S.-flag inventory, assets such as the reserve fleet (205 ships/2.3 million deadweight tons, approximately two-thirds of which are 40 or more years old) and the "Effective U.S. Controlled" fleet (60 foreign-flag ships—one-half million deadweight tons owned by U.S. companies but controlled by the flagging nations and manned by foreign crews).

This gap appears at every level of the industry. The U.S. shipyard mobilization base is rapidly deteriorating and few, if any, U.S.-flag commercial vessels are being constructed. The strategic manpower shortfall is perhaps the most telling statistic.

The recently released Navy Merchant Marine Manpower Study found that the supply of U.S. mariners is presently more than 12% below the level required during a mobilization and by 1992 that gap will increase to 32%. As the study pointed out, by 1992 one-half of U.S. mariners will have reached their 65th birthday.

As alarming as these statistics are, they do not reach the intangible value of the U.S. Merchant Marine as both a national defense and economic assets. Although as a nation we are rapidly making a transition to a service-based economy, we are simultaneously surrendering our role in one of the oldest and most vital service industries in the world, ocean transportation.

Wars have been waged in part to preserve the U.S.-flag presence in the ocean trades. That presence is now being lost to the vicissitudes of a peacetime economy and the indifference, at best, of our political leaders.

The administration of the preference acts is not the whole story of the decline of the U.S. Merchant Marine, but it is the heart of it. With the virtual disappearance of operating and construction differential subsidies and Title II financing, and with other ideas such as the "build and charter" program clearly on budgetary hold, the preference laws are the court of last resort for the U.S. flag.

For a U.S.-flag operator, however, there are two problems with preference cargo—the business you get and the business you do not get.

The vast majority of preference cargoes are awarded on the basis of competitive bidding, and the rates are often noncompensatory. Noncompensatory rates are not only inconsistent with the purpose of the cargo preference laws, they are inconsistent with the economic rationale underlying a competitive bidding requirement, i.e. through competitive bidding the government is meant to realize the fairest price, not just the lowest price.

That is particularly true when the government is procuring goods or services from an industry for which it is the dominant buyer. It is ironic that at the time the 1904 Act was passed, there was considerable fear that the economic power of the U.S.-flag shipowners would force the government to pay exorbitant rates, leading to the requirement that military rates be no higher than comparable commercial rates. With hindsight, a floor, not a ceiling, on rates was necessary to prevent the abuse of economic power.

Preference cargo is not only often carried below cost, it is cargo that is often hard to find. There is a surprising amount of governmental energy devoted to avoidance of the cargo preference laws and use of foreign-flag carriers for reasons that are otherwise commendable, namely to cut costs.

This conflict between budgetary demands and the law sometimes surfaces in congressional hearings or the courts, but it exists with every shipment of U.S. government or U.S. government-sponsored cargo.

The combination of inadequate rates and what can best be described as friction in the procurement of preference cargo has created a situation that is the worst of both worlds. On the one hand, there is no question that the preference laws result in higher transportation costs to the government when compared to costs of foreign-flag capacity.

On the other hand, the premium paid by the government is not guaranteeing the U.S. Merchant Marine capacity and employment necessary for our national interests. Neither side is getting what it really wants, and it is the nation as a whole that will suffer the consequences.

---

CARGO PREFERENCE LAWS NECESSARY

(By Frank J. Costello and Nathan J. Bayer)

In a sense, the cargo preference laws have never been stronger. The decisions of the U.S. District Court and Court of Appeals in the Rainbow Navigation litigation, the latter authored by Justice Antonin Scalia, reaffirmed the purpose of those laws and sharply limited the ability of the executive branch to evade that purpose.

While the extraordinary treaty entered into between the United States and Iceland last October overrides, to some extent, the effect of the 1904 Cargo Preference Act in the Iceland trade, the report for the Senate Foreign Relations Committee recommending ratification made clear its limited application and restated the overreaching need for a U.S.-flag cargo preference:

"While unique circumstances have created a need for the treaty, the need for continued enforcement of the 1904 Cargo Preference Act is just as great. Our merchant marine, the nation's fourth arm of defense, is essential to achieving the sea-power capability our nation must have at its disposal. The 1904 act is critical to the development and maintenance of a strong U.S.-flag merchant marine comprised of U.S.-flag ships and crewed by U.S. citizens.

". . . The committee is convinced that the precedent, if any, created by the treaty is a positive one for the U.S. merchant marine. First, it reconfirms that the 1904 act can only be revised by congressional action. Second, it confirms that if the act is revised by congressional action to address special circumstances, steps must be taken to assure there is no adverse impact on U.S.-flag service. Third, the circumstances underlying the treaty are so unique that the committee cannot envision them arising in any other trade."

As part of the Icelandic accord, the administration also stated that: (1) it would withdraw the proposed revisions to the Department of Defense acquisition regulations which would have given the secretary of the Navy broad discretion to waive the 1904 act in any trade; and (2) the Iceland treaty would be implemented in such a way that the U.S.-flag service in the trade would not be disadvantaged as a result of the treaty.

All of the above notwithstanding, the fact is that the long-term prospects are not good for a statutory program that can only be enforced at the point of an injunction and that fails to produce adequate revenues for its intended beneficiaries even when it is enforced.

This is not a result of the Rainbow dispute or of any of the dozens of other similar disputes that preceded it. The problem, plainly and simply, is a lack of conviction in the executive branch that the cargo preference is sound policy.

Although every presidential candidate for at least the last three decades has voiced support for the U.S. Merchant Marine, the actions or inactions of each succeeding administration have resulted in a further deterioration of the U.S.-flag fleet. In fact, the basic question may not be whether the cargo preference policy is sound but rather whether the government is truly committed to the existence of a private U.S.-flag fleet at all.

Assuming it is, and presently this assumption cannot be made, then the question becomes how best to achieve that goal. It is obvious that the system of direct subsidies is comatose if not dead. Absent some other mechanism, such as adoption of the cargo sharing provisions of the United Nations Conference on Trade and Development (UNCTAD) Code, the cargo preference laws are the last line of support for the U.S.-flag industry.

Once the problem is recognized, it can be dealt with. First, the government and the U.S. maritime industry must jointly quantify the levels of U.S. Merchant Marine capacity and employment necessary to meet our national defense and foreign policy objectives. Secondly, there must be an agreement on the means for achieving that goal, a unified, national commitment that recognizes the real long-term savings to the United States if our merchant marine is preserved.

The cargo preference, if properly administered, can resume its role as an effective and efficient impetus for a strong merchant marine. The United States has long recognized the wisdom of stockpiling strategic materials. Strategic services can also be stockpiled through the use of a preference that embraces guaranteed, cost-based procurement directed to actual requirements.

The Military Airlift Command has used such a preference for 2 years to build up its commercial augmentation airlift, with great success and with an overall program cost that is viewed as a bargain. While there are obvious differences between air and ocean transportation, the basics of a MAC-type program are readily transferable awards based on commitments of dedicated and reserve capacity to the national defense, and rates based on the average costs of the participating carriers.

These are not new ideas. Indeed many have been advanced in the past and some, such as the Federal Maritime Commission's experiment with the setting of military rates have been attempted in the past, But they have never been considered or attempted as part of a coordinated plan.

In the final analysis, the U.S. government and the U.S. maritime industry have to stop confronting each other and begin to jointly confront their common problem—the threat to the continued existence of a U.S. Merchant Marine. Cargo preference should not be an adversarial issue. It should be a means to an end.

---

## MEDICAID COMMUNITY SPOUSE PROTECTION AMENDMENTS OF 1987; H.R. 1711

---

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. WAXMAN. Mr. Speaker, on March 18, Mr. SCHUMER and I introduced the Medicaid Community Spouse Protection Amendments of 1987, H.R. 1711. We were joined by 30 cosponsors, including Mr. ROYBAL, chairman of the Select Committee on Aging, Mr. PEPPER, chairman of the Aging Committee's Health and Long-Term Care Subcommittee, and Mr. STARK, chairman of the Ways and Means Health Subcommittee.

This bill will eliminate one of the most indefensible inequities in the Medicaid Program, through which the Federal and State governments pay for basic health services for eligible poor people. It will protect elderly spouses—mostly women—from impoverishment when their husbands are too ill to stay at home and must be placed in a nursing home at Medicaid expense.

There is a great deal of interest right now in catastrophic health care coverage. One of the main causes of financial catastrophe among the elderly is the need for nursing home care, which can easily cost $2,000 to $3,000 per month. A report prepared for the House Select Committee on Aging (Pub. No. 99–508) concluded, based on 2 case studies of a total of 900 elderly in Massachusetts in 1984, that one out of three married couples 66 years or older will be impoverished within 13 weeks after one spouse enters a nursing home. After a year, one out of two elderly married couples will be impoverished. After 2 years, four out of five will be impoverished.

Of course, private insurance coverage against this expense is not generally available. And Medicare will not protect the elderly against the cost of an extended nursing home stay. Medicaid does offer coverage for long-term nursing home care in every State but Arizona. Yet very few elderly realize that if the husband enters a nursing home, and the cou-

ple's income is coming to him, Medicaid may pay for his nursing home care, but only by pauperizing the wife.

Under current Medicaid law, if the couple's pension and other income is paid to the spouse in the nursing home—generally the husband—then the wife is permitted only a monthly allowance, established by the State, to meet basic maintenance needs, such as food, utilities, medical care, and so forth. The maintenance needs allowance for the community spouse in most States is in the neighborhood of $340 per month, although in one State it is as low as $150 per month. In addition, the couple's liquid resources—that is, savings accounts, money market funds, and so forth—must be applied to the cost of the care of the husband in the nursing home until the assets are reduced to $2,700—in the first month of institutionalization—and $1,800 thereafter.

That leaves the community spouse—generally the wife—in an untenable financial position. If the couple owns a home, she is allowed to keep that, but her monthly income is completely insufficient to maintain the home, pay the taxes and heating and cooling bills, feed herself, pay her medical expenses, and meet her other basic needs. Moreover, she has no cushion of savings on which to draw, since any jointly held liquid resources have been drawn down to pay for the husband's nursing home care until he is resource eligible. It is macabre, but in some cases, she will be better off economically if her husband dies, freeing up the pension income for her sole use.

One has to look long and hard before finding another public policy as sick as this.

A number of States have tried to adopt their own approaches for easing the hardship on the community spouse. But the Health Care Financing Administration [HCFA], citing its own regulations, has adamantly opposed these efforts. For example, my own State of California, a community property jurisdiction, has adopted a rule which, in the case where the couple's income is going to the spouse in the nursing home, basically splits the income in half, reserving half for the spouse in the community and applying most of the rest to the cost of nursing home care. Last November, HCFA formally disapproved these policies, and the matter is pending in Federal court. Similarly, Ohio, which is not a community property jurisdiction, allows the community spouse to retain $324 if she has no income, and, if she has income, to receive a contribution from the community spouse to bring the total up to $377 per month. HCFA has also disapproved this State Medicaid policy, and the matter is before the Federal courts.

In New York, some community spouses have been placed in such desparate financial straits by the HCFA regulations that they have taken the drastic step of suing their own husbands for support. Some courts have ordered the institutionalized spouses, in effect, to increase the maintenance needs allowances to their spouses at home. HCFA is taking the position that, notwithstanding any local court order for support, the institutionalized spouse may not make any greater contribution to the community spouse than allowed under its regulations.

I find it highly ironic that the same agency which speaks so fondly of State flexibility in the administration of the Medicaid Program is so insistent upon a uniform national policy in this context. It is clear that, until the Federal Medicaid statute is changed, there will be no relief for community spouses.

H.R. 1711 would put an end to pauperization of the community spouse. It will benefit about 110,000 elderly couples. This, according to the Congressional Budget Office, is the approximate number of individuals with spouses in the community that will be institutionalized at Medicaid expense in fiscal year 1988. Of these, about 28,000 will be newly institutionalized next year, and therefore will benefit from the new resource protections as well as the new income allowance; the remaining 82,000 or so who are already institutionalized, and have already spent down their resources, will benefit only from the new maintenance needs allowance.

In brief, under this bill:

All States would be required to allow community spouses to keep a monthly income of 150 percent of the Federal poverty level for a two-person family—$925, plus an adjustment for excess shelter costs—if any—plus half of the remaining income, if any, of the institutionalized spouse, up to a total of $1,500 per month.

States would be required to allow the community spouse to retain liquid assets of $12,000.

Beneficiaries would be allowed to appeal the adequacy of the monthly needs allowances for their community spouse.

States would have to recognize support orders for higher maintenance needs allowances or asset levels issued by State or local courts.

Community spouses currently receiving higher maintenance needs allowances or having more protected resources than provided under this bill would be held harmless against any loss.

This bill has the support of the American Association of Retired Persons, the National Council of Senior Citizens, the Older Women's League, and Villers Advocacy Associates. These organizations have made a major contribution in bringing this issue to the attention of the Congress.

The Congressional Budget Office has not yet had an opportunity to provide a cost estimate on H.R. 1711. However, based on preliminary, unofficial estimates that CBO has done of other proposals with similar features, I believe that this proposal will increase Federal Medicaid outlays in the first year by roughly $350 million. Again I stress that this is not even a preliminary CBO estimate; it is my best judgment of what the CBO estimate is likely to be.

Whatever the final CBO estimate proves to be, this number will represent the subsidy that community spouses, most of whom are elderly women, now pay to the State and Federal governments for the nursing home care for their Medicaid-eligible husbands. Medicaid does—and properly should—insist that the persons on whose behalf it pays for health care be poor. Medicaid should not, however, drag the community spouse down into poverty as well.

## THE CHALLENGE OF AMERICAN CITIZENSHIP

### HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. MURPHY. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct the voice of democracy broadcast scriptwriting contest. This year more than 300,000 secondary school students participated in the contest, competing for the seven national scholarships which are awarded as top prizes.

The winning contestant from each State came to Washington, DC, for the final judging. The Veterans of Foreign Wars brought these students to our Capital as their guests. The contest theme this year was "The Challenge of American Citizenship."

I am proud to announce that Joseph Andrew Smydo, from my congressional district won third place honors in this year's scriptwriting contest. For his achievement of third place, Joseph will receive a $4,500 scholarship. Joe Smydo is the son of Andrew and Kristy Smydo of Scenery Hill, PA. He is a senior at Bentworth High School and he is still 5 months shy of his 18th birthday. It is indeed a proud feeling his parents must share with young Joe over this accomplishment. It is also gratifying to me to know that the youth of today do take note of the responsibilities that go along with the freedom we all have and enjoy.

Mr. Speaker, I would like to insert the text of Joe's winning script into the RECORD in order that my colleagues might have the opportunity of sharing this young man's wisdom.

THE CHALLENGE OF AMERICAN CITIZENSHIP

(By Joseph Smydo)

Ever since Paul Revere roused New England farmers from their beds to fight the British at the Battle of Lexington, Americans have been called upon to defend their citizenship.

Thumbing through the pages of American history will yield a crop of heroes whose contributions to the development and security of this nation were enormous, and whose memory is timeless. Americans have reiterated again and again Patrick Henry's passionate utterance: "Give me liberty or give me death".

Our eagerness to defend the shores of this great country is hardly surprising when one considers the tremendous opportunities afforded to those who call America their home. Americans are the only people on earth who truly realize the concept of freedom.

But to enjoy the liberty we inherited from our forefathers, to appreciate with a truly aesthetic eye the delicate superstructure called democracy they created, we must carry on the challenge of American citizenship.

Across the globe, right now, Americans are being challenged because of their citizenship. Among a rash of terrorist incidents, a dozen Americans have been abducted by the warring factions in Lebanon's civil war. They were kidnapped not for any personal transgression, but because the United States refuses to call for the release of political prisoners in Israel. These hostages are

facing the ultimate challenge of citizenship. They are heroes just as much as the minutemen who defied the British infantry.

The Americans who survived terrorist torture have returned home with nothing but respect for the land, its leaders, and principles. To be used as a political pawn in an international contest and then come home with unshaken pride is a true test of faith.

Said David Jacobsen after 17 months of captivity in an Islamic Jihad safehouse, "The best things in life are free. I'm darned proud to be an American".

There is a type of terrorism to be fought at home, too. Hunger, homelessness, and illiteracy have taken hostage the potentially productive lives of many Americans. The public, government, and a plethora of social agencies must challenge these evils together, or they will grow in intensity. Our challenge to deliver them from the jaws of despair must fuse with their challenge to succeed. The result would manifest the destiny of democracy; a government of all people, by all people, for all people.

Another responsibility shared by all citizens is to make the United States a better place. Every year, the boundless imagination, ceaseless toil, and unsurpassed brilliance of United States citizens lead to startling scientific discoveries. Some hypotheses are proved, others are disproved. We probe deeper and deeper into the ocean's once impenetrable realm, and even the vastness of the Milky Way decreases with advancements in space technology.

The seven astronauts aboarad the Space Shuttle Challenger's tenth and final voyage are perfect examples of men and women who would do anything for their country. Well aware of the dangers of unperfected space flight, they ignored personal concerns and concentrated on contributing to America as a whole, on heightening her world opinion. Like these seven, this country has been blessed with a multitude of heroes willing to accept the challenge of citizenship.

Said Newsweek's Jerry Adler of the shuttle disaster, "As long as there are frontiers to cross, there will be men and women to whom the challenge is worth the risk of their lives."

This country has been built on a foundation of hard work by determined people. Every President from George Washington to Ronald Reagan has left the indelible stamp of progress on these 50 states. Out of Plymouth Rock we have hewn a great democracy. Lest anyone forget, however, there is still work to be done. There still exists the challenge of American citizenship.

## ASIAN AND PACIFIC AMERICANS CIVIL RIGHTS ALLIANCE

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. MICHEL. Mr. Speaker, the Asian and Pacific Americans Civil Rights Alliance [APACRA] has submitted a petition to me, outlining the origins, goals, and major concerns of this newly formed civil rights group. Of particular concern to APACRA is the "informal quota system that works against Asian-American applicants for admission in educational institutions, especially in Ivy League colleges."

At this time I wish to insert into the RECORD the petition of the Asian and Pacific American Civil Rights Alliance, including an article that appeared in Newsweek magazine:

PETITION OF ASIAN AND PACIFIC AMERICANS CIVIL RIGHTS ALLIANCE

The Asian and Pacific Americans Civil Rights Alliance (APACRA) is an advocacy organization of U.S. citizens who trace their origin to India, the Philippines, China, Pakistan, Cambodia, Korea, Vietnam, Malaysia, Sir Lanka, Indonesia and the Pacific Islands. The Asian American community of about seven million people has been adversely affected by lack of representation in high level decision-making in the federal government, uneven enforcement of the civil rights laws, and selective discrimination in education and employment. Our community members are subjected to unnecessary prejudice and bigotry by those who may be jealous of our drive for excellence in education, business, and the professions.

The Asian American community makes a greater than proportional contribution to the economic, educational and cultural life of this nation. Even though we are not overly active in partisan politics, our participation in federal and state elections in recent years has been increasingly significant. Being a highly informed segment of the public, Asian Americans are increasingly becoming a political factor to be reckoned with in all future elections. We are organizing ourselves as a major force in the 1988 Presidential and State elections.

As of now, we are totally neglected by both political parties. No Asian has ever been appointed as the head of any federal agency. We are excluded from membership in the Civil Rights Commission and Equal Employment Opportunity Commission. We have no significant and meaningful voice in administering and enforcing the various minority programs of the federal government. We want to change this existing status of second-class citizenship. We want to participate in the process of decision-making which affects our lives and future. And we need the strong support and initiative of decent leaders of our country. We want the support of Congressman Robert Michel.

One of our immediate concerns is the existence of an informal quota system that works against Asian American applicants for admission in educational instutitions, especially in the Ivy League Colleges. The system is designed to prevent "overrepresentation" of ethnic Asian Americans in professional schools and institutions of higher learning. The existence of such a system is well publicized by the newspapers and electronic media in recent months. A copy of an article which appeared on February 9, 1987 of the Newsweek is attached. It describes the quota system that is being established at MIT, Harvard and Princeton. It is deplorable, to say the least, that these world renowned institutions which are symbols of democracy, human rights and free competition pursue an admission policy based on consideration other than the merits of the applicants. Such a policy suppresses the human potential and aspiration for excellence.

It is clear that the discriminatory quota system denies Asian Americans equal protection of the laws guaranteed by the U.S. Constitution. (*Regents of University of California* v. *Bakke,* 98 S.Ct. 2733; 438 U.S. 26). Furthermore, these institutions, being participants in the various federally assisted programs, violate the federal civil rights laws. (*Grove City College* v. *Bell,* 104 S.Ct. 1211; 465 U.S. 555). Title 42, Section 2000d admonishes that, "[N]o person in the United States shall, on grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Denial of admission to Asian American students under the quota system is an outright discriminatory act solely based on national origin or race.

The federal government has the right and obligation to take legal and administrative action against the institutions which continue the quota system. We request that the Education Department and the Department of Justice take appropriate enforcement action before the beginning of the next admission season. The Education Department should also initiate an investigation into the policies of the Ivy League and other major educational institutions as they relate to admissions in the medical, legal, and other professional colleges. The result of such investigation should be reported to the U.S. Congress.

---

[From Newsweek Magazine, Feb. 9, 1987]

DO COLLEGES SET ASIAN QUOTAS?—ENROLLMENTS ARE UP, BUT THEY COULD BE HIGHER STILL

With a mix of awe and animosity, students in the Boston area joke that MIT stands for Made in Taiwan. Like many of the nation's most competitive schools, the Massachusetts Institute of Technology has experienced huge increases in Asian-American enrollments. Across the Ivy League, Asian-Americans, who make up only 2 percent of the nation's college-age population, account for 11 percent of this year's freshman class. Proud of their high grades and test scores, Asian-Americans say they should be doing even better—and have accused top colleges of imposing ceilings to keep them out. "Asians are being discriminated against," charges Arthur Hu, an MIT alum who has studied Ivy League admissions patterns. "Unwritten quotas are making it more and more difficult to get into selective schools."

Recent admissions patterns do raise troubling questions. The nation's toughest institutions began admitting large numbers of Asian-Americans in the mid-1970s. But as their applications increased—by as much as 1,000 percent—the acceptance rate dropped; at Yale, the "admit" rate for Asian-Americans fell from 39 percent to 17 percent in the last decade. The timing was no coincidence, charges University of California, Berkeley, Prof. Ling-chi Wang. He claims that when worried schools realized what was happening, they began to curb the numbers.

Colleges deny setting ceilings, but they have taken the charges seriously. A Stanford University subcommittee concluded that "unconscious biases" might be responsible for the discrepancy in admission rates; subcommittee member Daniel Okimoto, a political-science professor, found that Asian-American applicants were often stereotyped as driven and narrowly focused. Princeton and Harvey have concluded that Asian-Americans are admitted at a lower rate only because they are under-represented in two important applicant pools—alumni children and athletes.

Some critics accuse schools of deliberately adjusting admission criteria to keep Asian-American numbers down. Berkeley revised

its procedures in 1983 to give greater weight to essays and extracurricular activities, areas in which Asian-American students traditionally fare less well. The university says Asian-Americans were irrelevant to the decision; they make up 26 percent of the freshman class this year, up from 22 percent in 1978. Brown University, meanwhile, keeps a log of minority admits during admissions season, reportedly to achieve a total of 20 percent. "Asian-Americans should be concerned," says a Brown admissions officer. "We call them enrollment goals, but it works out about the same as a quota."

Assembling a freshman class has always been more than a numbers game at prestigious colleges, based not only on grades but on alumni connections, interviews and a vague sense of who will "fit in." The emphasis on leadership and participation has sometimes hurt Asians, who have the reputation of "being somewhat isolated unto themselves," says Richard Moll, author of "The Public Ivys." Schools also succumb to social and political pressures. "The concept universities love beyond all others is diversity," says Marvin Bressler, chairman of the Princeton sociology department. "But it's a highly flexible word." Before World War II, for example, "regional diversity" was a way of keeping out Jews, who tended not to live in Montana.

Schools opened the way to previously excluded ethnic groups in the 1960's. Now Asian-Americans have turned affirmative action on its head by outperforming not only other minorities but the majority as well. As a result, educators are asking themselves whether it is legitimate to try to preserve the traditional, largely WASP culture of most prestigious schools. "Stanford could become 40 percent Jewish, 40 percent Asian-American and 10 percent requisite black," says emeritus Harvard sociologist David Riesman. "You'd have a pure meritocracy, and that would create problems for diversity and alumini." Ironically, even their academic competence has sometimes worked against Asians in a milieu that fondly remembers the gentleman's C. Clearly, Asian-Americans have earned a secure place for themselves at America's finest schools, but those institutions are still coming to terms with their changing identity.

## "THE ODD VOLUMES" LITERARY GROUP CELEBRATES ITS CENTENNIAL YEAR

### HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. GUARINI. Mr. Speaker, I would like my colleagues in the House of Representatives to know of the 100th anniversary of "the Odd Volumes," a literary study group in my district.

According to Mrs. Jacqueline Connors, a social and community leader in our area, and the wife of Judge Richard T. Connors, Judge of the Superior Court of New Jersey, the following is a history of the group from 1887 to 1987:

Hudson County's oldest federated club, the Old Volumes, began in 1887 when the late Miss Cecilia Gaines, later Mrs. John A. Holland, returned from Europe and invited seven young friends to her home to have lunch. Miss Gaines, feeling a need for cultural motivation, decided to form a study club.

The idea of a woman's study club was not looked upon favorably by the older generation and was thought to be an almost dangerous experiment.

They called themselves the Odd Volumes in the imitation of two societies known by that name; one a group of distinguished writers in London, who after their books were printed, destroyed the plates, making the editions rare and hard to obtain. The other was in Boston, a group who collected rare manuscripts.

Friends were asked to join but membership was limited to 35 since they met in homes. Many others who could not join formed the Jersey City Woman's Club in 1894, with the same Mrs. Holland as vice president. In 1896 she became president of the State Federation. The Odd Volumes was a charter member of the federation.

It is in honor of Mrs. Holland that the federation at its annual convention each year chooses a woman who is outstanding in community service as the winner of the Cecilia Gaines Holland Award.

The club had started meeting before Jersey City had a public library. Club members bought books, took them to meetings and exchanged them. The club is still interested in books and libraries. It has a memorial book shelf at the Five Corners branch of the Public Library at Summit and Newark Avenues. Whenever a member dies, the club gives a book in her memory. There are 65 books in the collection which contain classic, rare, and contemporary books on a variety of subjects. The books are available to the public for research purposes.

The club is purely literary and cultural in nature. The members meet from October to May on the second Thursday of the month in members' homes. The program committee selects the topic in the early spring for the following year. Members are assigned certain months and after considerable research, write a paper which is then discussed at the meeting. A brief summary of the paper is recorded in the minutes as a permanent record. These minutes, containing almost 100 years of Jersey City history, have been placed on the shelves of New Jersey Room at the main branch of the Jersey City Library. This was done last April on the 99th anniversary.

Papers written by members embrace a varied and timely list of subject matter. This year's Centennial Program is entitled "Movers and Shakers: Six Who Helped Shape the Future." The members will hear papers on six important women who have contributed to our country during these 100 years: Susan B. Anthony by Mrs. E. McFarland; Jane Addams by Miss Florence Voorhees; Frances Perkins by Mrs. Francis Morley; Amelia Earhart by Miss Eleanor McGlynn; Martha Graham by Mrs. Lawrence Caruso; Sandra Day O'Connor by Mrs. Richard F. Connors.

On April 9, 1987, the group will celebrate its 100th birthday at the Jersey City Woman's Club. The theme of the day will be "A Glimpse Into Our Past." The chairpersons are Mrs. John Muccia and Mrs. Ronald Dinsmore. The program chairman for the year is Mrs. Paul J. Duffy. The president is Miss Adelaide Dear.

The club has not changed its original purpose which is to provide an opportunity for women to study and discuss worthwhile ideas and achievements as recorded in literature.

The Fine Arts Branch of the Jersey City Public Library is holding an exhibit for 2 weeks in April displaying the Odd Volume Bookshelf mentioned above.

Imagine a world without books, which have shown the history of mankind, its knowledge, its trials, tribulations, and progress and accordingly, has nourished the world.

It was Henry David Thoreau who said:

Books are the treasured wealth of the world and the fit inheritance of generations and nations. Their authors are a natural and irresistible aristocracy in every society, and more than kings or emperors, exert an influence on mankind.

I wish to commend this literary group for spotlighting this year, six outstanding women who have indeed helped shape the world:

Susan B. Anthony, who dedicated her life to organizing women in their fight for voting rights, beginning in 1869, formed the National Women's Suffrage Association;

Jane Addams, the reformer who helped immigrants by founding the Hull Settlement House and helping individual families find housing, jobs, health care, and cultural activities and recreation. She described how much better it would be if all the children should be taught to use equally and to honor equally both their head and their hands. It would then be of little importance to themselves or to others whether the child finally served the commonwealth in the factory or in the legislature.

Frances Perkins, who served as Secretary of Labor under President Franklin D. Roosevelt, was the first woman to hold a Cabinet post.

Martha Graham, 92, is an American dancer, teacher, and choreographer. Born in Pittsburgh in 1895, she first appeared in vaudeville and in 1926 made her solo debut in Manhattan, dancing to classical and early modern music in her own free and interpretive style. Her innovative technique inspired many dancers including Isadora Duncan.

Amelia Earhart (1897–1937), American airwoman, born in Atcheson, KS was the first woman to fly the Atlantic from Newfoundland to Blurry Point, Wales on July 17, 1928. Her plane was lost over the Pacific in July 1937.

Sandra Day O'Connor made further history on September 25, 1981, when she became the first woman Justice appointed to the U.S. Supreme Court.

Their foresight and determination resulted in great progress in the areas of social significance and equal opportunity for all Americans. Progress we all enjoy today.

I also wish to take this occasion to salute the founder of the Odd Volumes, the late Mrs. Cecilia Gaines and the dedicated members of the group who will celebrate their centennial on April 9.

The composition of our society is held together because they work hard along common lines in a common spirit with reference to common aims, developing a growing interchange of thought and unity. The printed word—our books—the pages made from blocks of wood produced in China in 853; cast in bronze in Korea in 1215, and made with

movable type in 1445 in Germany; and now produced with computers, have provided a spirit of free communication, the interlacing of ideas, suggestions and results, both successes and failures, of previous experience, have played a dominating role in our existence.

I am sure that the Members of this body wish to salute the Odd Volumes on their 100th anniversary.

## MAJORITY LEADER FOLEY: BRAKE ON PARTISANSHIP

### HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. LEVINE of California. Mr. Speaker, last week the Washington Post ran an article about the new majority leader, TOM FOLEY. It presented a compelling portrait of one of the House of Representatives' most accomplished legislators.

The Post article uses the crucial role Representative FOLEY played in easing the impact of the draconian Gramm-Rudman legislation and his efforts to find a compromise between the House and the White House on arms control to illustrate his ability to get things done.

My own experience with the majority leader has been in the fight to end the administration's disastrous policies in Central America. TOM FOLEY, perhaps more than any other Member of Congress, deserves the credit for frustrating the Reagan administration's efforts to expand the war in Central America. He has been a thoughtful, articulate, and effective leader for a more rational, reasonable, and effective policy in that crucial region.

The House of Representatives is a better institution because TOM FOLEY is the majority leader. I am honored to serve with him.

I ask unanimous consent that the text of the Washington Post article be printed in the RECORD.

[From the Washington Post, Mar. 30, 1987]

MAJORITY LEADER FOLEY: BRAKE ON PARTISANSHIP

(By Tom Kenworthy)

When Rep. Thomas S. Foley went home to Washington state during last month's congressional recess, he quickly ran into the type of issue that makes Democrats salivate in a year when fair trade is one of their battle cries.

Meeting with several dozen farmers at the Spokane fairgrounds, Foley was asked whether Congress will impose the herbicide restrictions on imported Canadian lentils that the Environmental Protection Agency places on the domestic crop.

House Majority Leader Foley easily could have trashed the Reagan administration's handling of the issue. But he passed up taking what could have been an easy shot for quick political points.

Instead, Foley launched into a lengthy and erudite explanation of the sometimes obscure pitfalls of protectionism. "It's a two-edged sword," Foley said, reminding the farmers, many of whom grow winter wheat for export, that European nations use similar tactics to keep out U.S. agricultural products.

That performance was typical of someone who was once called "worst-case Foley" by a Washington state colleague. It was the kind of judicious, long view he regularly serves up to his 256 Democratic colleagues who last December unanimously elected him to the No. 2 House leadership post.

Whether in his conservative district in eastern Washington—home to some of the country's most productive wheat-growing counties—or in the halls of Congress, where he has spent the last 23 years, Foley has made a career of telling people things they don't want to hear.

And while that quality has not always been appreciated, over time it has made Foley one of the most respected members of Congress and helped him carve a safe seat out of a district that hasn't supported a Democratic presidential nominee since 1964.

Among House Democrats, particularly during the early Reagan years when the House was the focal point of opposition to the president's agenda, Foley has been criticized for being too cautious, too slow to wave the partisan banner and too moderate.

His sometimes exasperating habit of endlessly dissecting the merits of an issue instead of hewing to the party line once led then-Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.) to say, "Tom Foley can argue three sides of every issue."

Yet even many of the most liberal members of the House have credited Foley as being an important brake on an institution that has a tendency to be reflexively partisan.

"It's essential for good public policy to have a Foley," Rep. Leon E. Panetta (D-Calif.) said. "The House needs someone who says, 'Wait a minute.' There's a natural inclination of leadership to try and slam dunk issues . . . . If you always let your gut instincts control the issues and the institution, it would not take much to walk off a cliff."

It was Foley, for example, who played a key role in persuading the House to accept a compromise with the Reagan administration that prevented a divisive clash over arms control immediately before the president met with Soviet leader Mikhail Gorbachev in Iceland last October.

In the days leading up to the talks, Reagan sharply criticized House Democrats for trying to tie his hands at the summit by insisting in a defense authorization bill that the United States halt most nuclear testing and continue compliance with provisions of the unratified SALT II strategic arms limitation treaty.

Foley was instrumental in getting the House to back off in exchange for a promise from the president to seek Senate approval of two nuclear test treaties and then to resume negotiations for a comprehensive test ban.

Foley, said Rep. Thomas J. Downey (D-N.Y.), believed that some House Democrats might lose their seats in last November's elections if the Reykjavik summit were unsuccessful and Reagan returned blaming the Democratic-controlled House for the failure.

A year earlier, Foley played a similar role in fashioning the Democratic response to the Gramm-Rudman-Hollings deficit-reduction legislation when the Senate attached it to a bill raising the debt ceiling.

The legislation, with its provision for automatic spending cuts, horrified may Democrats in the House, including many committee chairmen. Spoiling for a showdown with the Senate, the chairmen urged the leadership to strip off Gramm-Rudman-Hollings and ship the debt-ceiling increase back across the Capitol.

"The chairmen wanted to tell the Senate to take it and stuff it," said one House member who attended the meeting. "[Foley] compared them to regular Army sergeants who want to charge the enemy's tanks and rip the treads off with their bare hands." Foley, understanding there were enough votes to pass it, asked the key question: "Where are your troops?"

Foley and another legislator who shared his pragmatic approach, Rep. Richard A. Gephardt (D-Mo.), formed the nucleus of a working group convened to make Gramm-Rudman-Hollings easier for the Democratic Caucus to swallow. Over three weeks and 160 meetings, they modified the bill to exempt many entitlement programs from the automatic cuts and require that any spending reductions be equally shared by defense and domestic programs. They also made sure its impact would be felt before the 1986 congressional elections so that Republicans might be held accountable for their handiwork.

Foley's response to Gramm-Rudman-Hollings illustrates what many of his Democratic colleagues cite as the majority leader's most valuable trait, his ability to anticipate how an issue will play, how the opposition will react and how it will affect the political fortunes of the Democratic Party. It is a kind of political over-the-horizon radar that allows Foley to detect ambushes where other members see clear sailing.

Foley, Downey said, "is like a counselor for the House. If you're trying to figure a game plan of what will happen, no one is better than Tom. He'll figure the upside and the downside better than anyone."

"It's a psychological and mental habit of looking at things." said Foley, suggesting he inherited the trait from his father who spent 35 years on the Superior Court bench in Spokane. "I was raised with the suggestion that it's a good quality to see how others see things . . . . I'm accused of being bloodless, but Congress is collegial. You need all kinds of people in the institution. You need chargers and people who say which way."

Others, however, attribute Foley's political antennas—and his innate caution—to the fact that he's always represented a heavily Republican congressional district, one that Reagan carried with 60 percent of the vote in 1984.

In Depression-era Spokane, the Foley household was a lonely Democratic outpost. The neighbors regarded the Foleys as "nice people, but odd, like we belonged to a very strange religion," Foley said.

Foley's boyhood companions would shovel furiously in the neighbood sandbox, chanting "free enterprise," and then lean on their shovels and say "WPA, WPA." Rising to the defense of President Franklin D. Roosevelt's Works Progress Administration, Foley would shout "WPA" as he shoveled and "free enterprise" as he slacked off.

But if the district's voters have been unkind to Democratic presidential candidates, they are noted for ticket-splitting. As an elected judge, Foley's father always led the ticket. And Foley discovered early in his first campaign for Congress in 1964 that deep roots can overcome party affiliation.

Returning to Spokane after serving as an assistant attorney general and aide to the then-Sen. Henry M. (Scoop) Jackson, Foley filed at the last moment for the congressional seat held for 23 years by Walt Horan (R-Wash.).

Early in that campaign, Foley traveled to nearby Lincoln County—one of the district's

Republican bastions—for the annual agricultural fair in the town of Davenport. With an Irishman's gift for story telling, Foley recalls how the county Democratic chairman introduced him:

"He gathered a group of about 10 farmers around in front of one of the exhibition buildings and proceeded to introduce me. He gave a little speech in which he said I was, as he put it, 'out of Spokane,' like you'd introduce a fighter. Well, Spokane was the place a lot of people went to shop but we are not talking Lincoln County now, we are talking about the big city. And he said that my father was a judge there. You could see a little uneasiness about that. There'd been a couple of farm foreclosure sales somebody may have remembered.

The next thing he said is that I was an honored graduate of the University of Washington. Well, the U of W was in Seattle. Seattle was considered in every way an unreliable place for anyone to go or be from, and the University of Washington had the slight aura of a Marxist-Leninist institute. And he said I'd been a deputy prosecutor in Spokane and an assistant attorney general. The attorney general's office had just put out some revisions in land valuation that were very unpopular. I thought, you know, this cannot be any worse. He told them about my working for Scoop, which wasn't bad because Scoop was pretty popular in the area. But that was about the only positive note in the entire recitation.

"But then he paused and said, 'Tom's mother was born right here in Davenport.' And someone said, 'The hell she was!' And I said, 'Yes sir,' He said, 'What was her name?' I said 'Helen Higgins.' And he said, 'Helen Higgins was your mother?' I said 'Yes sir.' He said, 'Is Shorty Higgins your uncle?' I said, 'Yes sir.' He said, 'Steve and Annie Higgins were your grandfolks?' I said, 'Yes sir.' He said, 'You come with me.'

"Two minutes later I was on a platform with a microphone. And this man who I'd never known till a couple of minutes before said, 'All right, folks, I want you to meet Tom Foley, he's running for Congress. Now he's the wrong party; he's a Democrat. But he's the grandson of Steve and Annie Higgins who homesteaded here. He's Shorty Higgins' nephew and Helen Higgins' son.'"

That November, Foley almost carried Lincoln County, and he hasn't lost it since.

Family ties notwithstanding, Foley has been vulnerable at home to the charge that he represents the values and folkways of Washington, D.C., more than he does those of Washington state.

Urbane and well-schooled, with a taste for modern art, opera and expensive stereo equipment, Foley does not exactly blend in with the crowd at the grain elevator. As former O'Neill aide Christopher Matthews noted, "He reads books with hard covers."

But if Foley talks the language of the learned—quoting, for example, from Samuel Johnson and verbatim from the 1930 congressional debate over the Smoot-Hawley tariff legislation on a recent day in his district—he also knows the intricate vocabulary of farm policy that needs no translation around Spokane.

His leadership on agricultural issues probably accounts for his political survival, including a narrow escape in the 1980 election, when he won with 52 percent of the vote. Foley has served as chairman of the House Agriculture Committee. He retained the chairmanship of its wheat, soybeans and feed grains subcommittee during his years as majority whip.

Now, as the No. 2 Democrat in the House leadership and in line to be the next speaker, it is unlikely that Foley's constituents—who gave him 75 percent of their vote last fall—will turn him out.

## SOVIET JEWRY

### HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 1987*

Mr. KYL. Mr. Speaker, I would like to take this opportunity to include in the RECORD, an article written by Pamela B. Cohen, national president, and Micah H. Naftalin, Washington representative, of the Union of Councils for Soviet Jews. Titled, "If Jews Are for Sale, What Are Our Terms," it makes for important and timely reading.

IF JEWS ARE FOR SALE, WHAT ARE OUR TERMS?

(By Pamela B. Cohen)

According to Moscow sources available to the Union of Councils for Soviet Jews, a new super court under Andrei Gromyko will have sweeping new powers over the fate of Refuseniks by dispensing final "political" judgments as to whether they can emigrate in spite of so-called "security risk" considerations. Under the Presidium of the Supreme Soviet, the new decision making body will have final and irreversible jurisidiction over such cases. This is a major new development because it constitutes an unprecedented formal, Soviet admission at the highest level of government that these decisions, which have long been defended as a juridical, internal problem are in fact political and thus subject to international pressure and bargaining. If such is the case, and recent events suggest it is, it is now time to set the terms.

This week, for the first time to our knowledge, we have direct, first hand confirmation, straight from Deputy Chairman Makarov of the Consular Department in Shevarnadze's Foreign Ministry, that "the problems of secrecy, as applied to Jewish emigration, must now be decided politically." To the Union of Councils for Soviet Jews, this means only one thing: While the Ministry of Interior formerly handled all refusals, and now continues jurisdiction for all but security cases, it is the Foreign Ministry, on behalf of the Presidium, announcing that security decisions by the review body under Gromyko are henceforth political. Thus, the Soviets are putting the approximately 11,000 long-term Refuseniks (about 20 percent of the total) up for sale, and hoping that, in these days of eagerness to believe that the propaganda of Glasnost is really liberalization, the United States will be seduced into paying the ransom too cheaply with trade concessions in exchange for promises or continued token emigration. All recent signs point to the assessment, in our view.

Although emigration by Soviet Jews has, in recent years, been reduced to a trickle since the high point, in 1979, when approximately 50,000 Jews were permitted to leave, Soviet law calls for open emigration based on the Soviet's adoption of the covenant on Civil and Political Rights ratified, in 1976, by the Presidium. According to Article 12, parts 1 and 2, any citizens is entitled to leave his country and to return back home. In addition to this binding provision, the Third Basket of the Helsinki Accords, a solemn though non-binding agreement, signed by the Soviets in 1975 with 34 other nations, provides for the reunification of divided families. So far, while they simply ignore the law, the Soviets also play games such as restricting the relatives to "spouses and children only" when defining family, to prevent greater numbers from even applying, thus creating a vast backlog of people wishing to leave. The more straightforward exception is the case of refusing emigration on the grounds of national security—that is, that the individual of family member (here, family is broadly defined) allegedly possesses military or state secrets. By virtue of the fraudulent application of the secrecy exception, thousands of Jews have been denied permission to emigrate, and unknown numbers more denied the right to even apply.

For instance, in the mid-1970's, those Soviet Jews who were justifiably denied the right to emigrate because they held valid security clearances were regularly informed that there was a five year wait for security cases. For this reason, many Jews quite their security jobs and waited for the time limit before applying. And, in practice, the security limitations were imposed even on individuals performing no classified work if any secret work was going on anywhere on their post or plant. Lev Elbert, for example, has been denied on security grounds for building an Officers' Club swimming pool! In any event, such terms were never observed.

Just as Refuseniks generally do not necessarily receive the otherwise routine and prompt answer from the Ministry of Interior's OVIR (visas) department to their applications to emigrate, so too here, the stated expiration dates were ignored to the case of Jews. Long-term, pre-Afghanistan invasion Refuseniks, such as Vladimir Slepak, Naum Meiman, Lev Elbert, Yakov Rakhlenko, and Natasha Khassina, have been refused emigration on national security grounds for up to 17 years. And, in a mad, catch-22 situation, many, like Yuli Koshorovsky, were told when the secrecy period expired, that while they were no longer denied for security reasons, the Ministry of Interior denied exit because they had no family members abroad. Now, to compound the matter, we are told that secrecy reasons are now being revived as the current basis for refusal even though the time limit has lasped.

It has been reported widely that while Gorbachev, in 1985, publicly stated, in Paris, that the normal ceiling for such restrictions is 5 years—10 at most for expecially sensitive information—Gennady Gerasimov, speaking for the Soviet Foreign Ministry, recently said some security categories are indefinite or unlimited and that some, such as the above named, will never be permitted to leave. Up until now, the affected Ministry made the determination, according to Edward Shevardnadze's Deputy, Makarov, at the Foreign Ministry. What makes the new, Gromyko authority of major importance and interest to Soviet Jewry activists is the acknowledgement of a change of venue from domestic-bound Ministries to the international political arena of the Presidium itself.

The recent signs involve the orchestration of a carefully staged propaganda campaign masquerading as Glasnost, or openness, the elements of which, insofar as Jews are concerned, include the release from jail of almost all of the Jewish Prisoners-of-Conscience; the approval of emigration for a very small number of highly visible Refuse-

niks; the release, albeit too late to save them, of a few cancer patients ballyhooded as humanitarianism; vague promises of significantly increased levels of emigration; a rise in March emigration approaching the 500 per month rate, compared to an average of only 75 in all of 1986, and, now, a rash of meetings with Jewish leaders. This entire campaign is designed to reach a crescendo coinciding with the current Vienna meetings of the conference on Security and Cooperation in Europe, the visit to Moscow of Margaret Thatcher, the upcoming visit of 20 Congressman led by the Speaker of the House, and culminating with the visit of Secretary of State George Shultz. This is by no means the first time the Soviets have orchestrated the appearance of liberalization to influence major meetings or negotiations. Even in the Brezhnev era, the two visits by President Nixon, in 1972 and 1974, were preceded by the release of highly prominent Refuseniks. It bespeaks a recognition that the Soviets take seriously the high priority we give to progress in the area of Human Rights. Lacking such progress, they had had to resort to manufacturing the illusion.

What is of concern to the Union Councils is the apparent widespread willingness, by the public and press, to take some hope from these "signals" when, in fact, they are insignificant as of the moment and absent the acid test of time. One month of emigration at the 500 level clearly does not constitute a trend or a shift in policy to an appropriate level. What's more, despite generally strong Administration statements linking the need for human rights improvements to progress on other fronts, we are uneasy about certain decisions that suggest that this subject matter interferes with business as usual. For instance, where we had a policy that cultural exchanges should result from human rights progress, they were agreed to at Geneva without such a quid pro quo. The same can be said for the recent decontrol of oil and gas drilling equipment in exchange for what the Commerce Department found to be one of the worst anti-human rights years. If these concessions were indeed signals to the Soviets, their response will have to be subtantially larger than the token 11,000 Refuseniks commonly discussed if we are to support a temporary lifting of Jackson-Vanik.

Here, then, are our requirements:

1. The minimum appropriate level of permitted emigration for which serious concessions, even of a temporary and provisional nature, should be comtemplated is a return to the 1979 mark of over 4,000 per month for a full year, with priority given to long-term Refuseniks and those refused for "security" reasons, together with concrete evidence of a commitment by the Soviets to continue to increase the rate. We are today serving notice on all concerned that the UCSJ will actively oppose and protest the granting of any economic concessions in exchange for anything substantially less.

2. We continue to be alarmed that the list of 11,000 Refuseniks, presented to Secretary Shultz at the time of the Reykjavik summit meeting by the National Conference on Soviet Jewry, and presented to the Soviets this week, gives the impression that this list represents all Refuseniks when, in fact, it represents no more than 10-20 percent of the total. The Union of Councils for Soviet Jews, however, remains committed to the rescue of all of the at least 50,000 Refuseniks as the baseline for considering economic concessions.

3. Beyond that, we are committed to the remaining 350,000 Soviet Jews who, everyone but the Soviets concedes, have expressed a desire to emigrate to the West. These are the Jews who are not technically Refuseniks primarily because the Soviet rules for accepting applications exclude them and thus they have not been allowed even to apply and be formally refused permission. Thus, to the Union of Councils, proper evidence of Soviet good faith beyond the emigration of the first 50,000—i.e., presumably, the presently certified Refuseniks—must include a lowering of barriers to application such as by broadening the definition of family to include any relative, and the elimination of false security claims so that the balance of the 400,000 and subsequent applicants can apply, be processed and actually emigrate. Once this happens, incidentally, we will see how the remaining one and one half million Soviet Jews, that CBS 60 Minutes' reporter Mike Wallace says are "living more or less satisfying lives", read and react to the more welcoming signals. Moreover, we believe that any Jew must be accorded the legal right he already has to emigrate freely to Israel without reference to the present or absence of relatives in Israel.

4. What's more, while we are waiting for progress in emigration, we will continue to vigilantly demand:

Humane treatment for all Soviet Jews.

An end to the beatings and bullying of defenseless protestors.

An end to the practice of commiting Human Rights activists to mental hospitals, and the release of those so condemned because of political activism.

The establishment of decent labor and health care conditions in the Gulag.

Permission to emigrate for all former Prisoners-of-Conscience, and the release and emigration of current POC's.

An end to state-sponsored anti-Semitism, including acknowledgement of the right to study and teach the Hebrew language and culture and to practice their religion.

An end to the blackmail of requiring emigres to pay the debts of family members for whom they are not financially responsible.

An end to the coercive practice of conscripting the children of Refuseniks into military service for the self-evident purpose of intimidation, since such service automatically adds at least several years to their interminable wait to emigrate because of the secrecy loophole.

A requirement that refusals be in written form, stating exactly the reasons, terms of expiration of the proposed restrictions, and permitting Refuseniks to defend themselves in person at the newly established commission.

Finally, the Union of Councils applauds the outstanding rhetoric of the President of the United States and Secretary of State, who have up until now made it clear that significant progress in human rights is the sine qua non of progress on all other fronts in our dealings with the Soviet Union. This is a lesson America learned to its peril 50 years ago: (i) so long as a nation is dedicated to making war on its own innocent citizens, and to enslaving its neighbors, it cannot be credited with genuine peaceful intentions towards its free and competitive opponents; and (ii) the bystanders to atrocities, who want to conduct business as usual with such nations, and who can be manipulated into accepting propaganda in place of deeds, are already walking the path to ruin.

The UCSJ allies itself with the position of Yuri Orlov, Natan Scharanksy, and Vladimir Bukovsky. The Soviet overture, in recent days, to the American Jewish Community is a clear and welcome indication that our policy of hanging tough on human rights has been effective, that the message has been received, and that the Soviets understand its seriousness. This is not the time to compromise principle by accepting a level far below the standard set by Brezhnev. We call on President Reagan and Secretary Shultz to continue to stand fast.

The 77,000-member rescue organization, the Union of Councils for Soviet Jews, is the oldest and largest independent organization in America dealing exclusively with the cause of Soviet Jewry.

## SPOUSAL IMPOVERISHMENT: A DETAILED EXPLANATION

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. WAXMAN. Mr. Speaker, I have received a number of inquiries on the issue of Medicaid spousal impoverishment. I have prepared the following detailed explanation of how current Medicaid law can pauperize older women whose husbands must enter a nursing home, and how the bill that Mr. Schumer and I have introduced, H.R. 1711, would solve this problem.

Current law. Medicaid is a means-tested entitlement program for the poor. Eligibility for coverage, including payment for nursing home care, is tied to an individual's categorical status (aged, blind, disabled, or family with dependent children), an individual's income, and an individual's resources. The income and resource standards which States apply in determining eligibility—that is, the amount of income and resources that an individual may have and be considered poor enough to qualify for Medicaid—vary considerably.

In most States, elderly people receiving cash assistance under the Supplemental Security Income [SSI] Program are automatically eligible for Medicaid. In some States, known as "209(b)" States, eligibility rules more restrictive than those under SSI are applied to the elderly. In about 30 States, elderly individuals who are not poor enough to qualify for SSI, but who have large, recurring medical expenses (i.e., nursing home bills), qualify for Medicaid as "medically needy." Finally, about 30 States also offer coverage, on an "optional categorically needy" basis, to nursing home residents whose incomes fall below a State-established level no higher than 300 percent of the basic SSI benefit level ($1,020 per month in 1987). SSI income and resources standards vary from "209(b)" income and resource standards, which in turn vary from "medically needy" and "optional categorically needy" income and resource standards from State to State.

Regardless of whether a State is an "SSI" or a "209(b)" State, whether it covers the "medically needy," or whether it covers the "optional categorically needy," certain rules apply for determining how much in the way of income or resources an individual has. These rules derive primarily from the SSI program

and are set forth in Medicaid regulations rather than the Medicaid statute.

Attribution of income and resources. When one spouse enters a nursing home (or other institution) and applies for Medicaid, the following rule is applied for determining what that spouse's income and resources are for eligibility purposes. After the first full month of institutionalization, each spouse is treated as a separate household. Thus, what happens to the community spouse depends on which spouse is institutionalized, who receives the income, and how the resources are held.

Income is considered to belong to the spouse whose name is on the check. Thus, if the couple's Social Security and pension checks are made out to the husband, and if the husband enters a nursing home, after the first month all of the income is considered his, and the wife receives only a maintenance needs allowance. If the wife enters the nursing home, however, none of the income is considered hers after the first month, and the husband has no obligation to make any contribution to the wife's cost of care. (Any contribution the husband might choose to make will simply be applied to reduce, dollar for dollar, the amount that the Medicaid Program pays for the wife's nursing home care).

The same rule applies to countable resources, which are basically liquid assets like savings accounts, mutual fund investments, certificates of deposit, etc. (The couple's home, regardless of its value, is not counted in determining eligibility, nor is it subject to liens imposed by the State for recovery of Medicaid costs, so long as the community spouse lives in it.) If the liquid assets are jointly held, they are considered to belong entirely to the institutionalized spouse, on the theory that he or she has an unrestricted right to use them. If the assets are held by the community spouse, however, they are considered, after the first month, to belong to him or her, and there is no obligation on the part of the community spouse to contribute any amounts to the care of the institutionalized spouse.

Maintenance needs allowance for the community spouse. Once the institutionalized spouse has established that he is both resource—and income—eligible for Medicaid, usually by "spending down" his countable resources to a level of $1,800, the following rules govern the disposition of his income each month. The beneficiary is allowed a personal needs allowance (generally $25), an allowance for certain medical expenses not covered by Medicaid, and, what is at issue here, an amount of the maintenance needs of the community spouse. This amount, combined with the community spouse's income, if any, allow the community spouse a certain level of income. This maintenance needs level may not exceed the highest of the SSI, State supplementation, or "medically needy" income standard in the State. As the following table, based on a March 1987, analysis conducted by the American Association of Retired Persons, indicates, these community spouse maintenance needs levels vary greatly from State to State:

| State: | *Maintenance needs level* |
|---|---|
| Alabama | $340 |
| Alaska | 632 |
| Arizona | (1) |
| Arkansas | 188 |
| California | 534 |
| Colorado | 229 |
| Connecticut | 375–450 |
| Delaware | 164 |
| Dictrict of Columbia | 362 |
| Florida | 340 |
| Georgia | 340 |
| Hawaii | 300 |
| Idaho | (2) |
| Illinois | 267 |
| Indiana | (3) |
| Iowa | 340 |
| Kansas | 341 |
| Kentucky | 192 |
| Louisiana | 187 |
| Maine | 350 |
| Maryland | 325 |
| Massachusetts | 354 |
| Michigan | 358–370 |
| Minnesota | 397 |
| Mississippi | 340 |
| Missouri | 340 |
| Montana | 340 |
| Nebraska | 375 |
| Nevada | 173 |
| New Hampshire | 354 |
| New Jersey | 372 |
| New Mexico | 340 |
| New York | 417 |
| North Carolina | 233 |
| North Dakota | 345 |
| Ohio | (4) |
| Oklahoma | (5) |
| Oregon | 342 |
| Pennsylvania | 373 |
| Rhode Island | 475 |
| South Carolina | 340 |
| South Dakota | 257 |
| Tennessee | 150 |
| Texas | 340 |
| Utah | 289 |
| Vermont | 398 |
| Virginia | 217–325 |
| Washington | 368 |
| West Virginia | 200 |
| Wisconsin | 442 |
| Wyoming | 195 |

[1] Arizona operates, under demonstration authority, a Medicaid program that does not cover nursing home or other long-term care benefits.
[2] Up to $393.
[3] Up to $340.
[4] Up to $258.
[5] None.

After the amounts for the personal needs allowance, maintenance needs allowance, and uncovered medical expenses have been deducted from the monthly income of the institutionalized spouse, the remainder is applied to the cost of the nursing home care. The difference between the institutionalized spouse's contribution and the nursing home's allowed rate is paid by the State, with Federal Medicaid matching funds. Thus, the greater the maintenance needs allowance for the community spouse, the smaller the institutionalized spouse's contribution to the cost of his care, and the greater the State and Federal Medicaid outlays for the cost of his care.

Resources. The amounts of countable resources that a person may have and qualify for Medicaid vary from State to State, and by basis for eligibility. Most States follow the SSI levels, which in 1987 are $1,800 for an individual and $2,700 for a couple. To prevent people from giving away assets in order to qualify for Medicaid, States are authorized to look back 2 years from the date of application for eligibility, and if a person transferred an asset for less than fair market value, to deny eligibility for a specified period of time. The length of the eligibility delay depends on the amount of the assets given away, but it can be more than 2 years.

The effect of these resource rules is that, in order to qualify for Medicaid coverage, the institutionalized spouse must "spend down" all of his countable resources but $1,800 by paying for his nursing home care. If all of the couple's liquid assets are jointly held, then they are considered available to him and must be spent before he qualifies, leaving the community spouse with access to only $1,800 in savings and other liquid assets. The only way for the couple to avoid this result in most States is to transfer the assets from the husband to the wife at least 2 years before the husband enters the nursing home and applies for Medicaid.

Court-ordered support. In some cases, courts have issued orders against institutionalized spouses requiring them to make monthly support payments in certain amounts to their spouses in the community. The policy of the Health Care Financing Administration [HCFA] is that, notwithstanding such an order, the income of the institutionalized spouse is to be considered available to him for purposes of determining the amount of his contribution toward the cost of nursing home care. The only part of his income which HCFA policy acknowledges as available to the community spouse is the specified maintenance needs allowance.

H.R. 1711. The bill adds a new section to the Medicaid statute which establishes rules for the treatment of the income and resources of a couple where one spouse is institutionalized at Medicaid expense. The bill does not alter income and resource standards for eligibility; the levels established by States, whether "SSI," "209(b)," "medically needy," and/or "optional categorically needy," would not be altered. Similarly, current law as to what income and which resources are "exempt" and which are "non-exempt," and how that income and those resources are valued, remain unchanged. The rules in this new section apply only to couples with one spouse in an institution; no other class of applicants or beneficiaries would receive comparable treatment.

The spousal protection rules in this bill set a uniform national policy that applies in all States, whether or not they are community property jurisdictions, and whether or not they automatically make Medicaid available to SSI recipients. States have discretion within the parameters set by the bill, but the parameters are the same in all States.

The spousal protection rules in this bill apply regardless of the basis of eligibility: categorically needy, optional categorically needy, or medically needy.

Hold harmless. To assure that no beneficiary would be inadvertently disadvantaged by these new rules, the bill allows an institutionalized individual to elect to be governed by the eligibility and post-eligibility rules in effect on March 1, 1987, rather than the rules provided under this bill.

Attribution of income and resources. The bill establishes uniform rules for attributing income and resources for purposes of determining eligibility. The 1-month waiting period in current law is eliminated, and the following attribution rules apply immediately upon entering the nursing home, hospital, or other medical institution. No income or resources of the community spouse are considered available to the institutionalized spouse. In the case of both income and resources, if the income and resources are jointly held, half is considered available to the community spouse. Otherwise, the income or resource is considered available to the person who holds it (or in whose name it is held). The same principles apply to income and resources held in trust, unless the trust specifically provides otherwise.

Maintenance needs allowance for community spouse. After an institutionalized spouse has met the resource and income criteria for eligibility, the income attributed to that spouse is applied as follows each month. First, at least $25 is deducted for that spouse's personal needs allowance. Then, a community spouse monthly income allowance is deducted. Then a family allowance, for each family member, if any, residing with the community spouse, is deducted. Finally, uncovered amounts for incurred expenses for medical care are deducted. The remainder of the institutionalized spouse's income is applied to the cost of his or her nursing home care.

The community spouse monthly income allowance is the amount needed to bring the community spouse's monthly income, including any income otherwise available to her, up to a minimum level. This minimum level is defined as the sum of (1) an amount equal to 150 percent of the two-person Federal poverty level—$925 per month in 1987—plus (2) an excess shelter allowance (the amount by which mortgage expenses or rent plus utility costs exceed 30 percent of the amount in (1)), plus half of the institutionalized spouse's remaining income.

In no case can the contribution from the institutionalized spouse raise the level of income available to the community spouse to more than $1,500 per month, adjusted annually by the rate of increase in the Consumer Price Index. This $1,500 cap does not apply if the community spouse's income equals or exceeds $1,500.

The bill entitles institutionalized spouses to notice of these rules and to a fair hearing if the community spouse allowance, as determined by the State, is inadequate.

Resources. The bill creates an exception to the current prohibition against transferring assets for less than fair market value within 2 years of applying for Medicaid. An institutionalized spouse may, at any time, transfer resources attributed to him to the community spouse in an amount which will raise the level of resources available to the community spouse (counting any that she already has) $12,000. This was approximately the median income for all over-65 households in 1985, and would give the community spouse about 1 year's financial protection should her spouse die shortly upon being placed in a nursing home.

Court orders. With respect to both income and resources, if a court has entered an order against an institutionalized spouse requiring the contribution of income or resources to the institutionalized spouse, the income and resources cannot be considered available to apply to the cost of nursing home care, subject to the $1,500 income and $12,000 resource ceilings.

Effective date. The provisions are effective October 1, 1987, unless a State requires legislative action to amend its State Medicaid plan.

Example. Assume an elderly couple who own a home assessed at $90,000, a 5-year-old car worth less than $4,500, and have personal and household effects worth less than $2,000. They also have a joint savings account with a balance of $20,000. The husband's monthly income, from his Social Security and his pension, is $750. The wife worked in the home all her life, and her only income is a Social Security check in the amount of $150. The husband develops Alzheimer's disease and his wife, no longer able to care for him at home, must place him in a nursing home. The State covers the "optional categorically needy" nursing home residents under Medicaid, and sets its income standard for nursing home coverage at $1,020 per month, and its resource standard at $1,800 in nonexempt assets.

Current law. Assume the couple lives in a State which sets its maintenance needs allowance at $340, and which prohibits transfers of assets. The couple's home, car, and personal effects are exempt resources, and are not considered in determining Medicaid eligibility. However, the joint savings account is attributed to the husband, who will not qualify for Medicaid until he spends $17,200 on his nursing home care. At a cost of $2,000 per month, this will take about 9 months. (If he were to tranfer the joint account to his wife, the State could deny him eligibility for more than 2 years).

Once he is resource-eligible, the husband's income is applied as follows: An allowance of $25 for personal needs, an allowance of $190 for the maintenance needs of the community spouse ($340 minus $150), and $75 for uncovered medical costs. The remaining $460 of the husband's income applies to the cost of nursing home care, reducing the total Federal and State Medicaid payment by $460.

The wife in the community is left with a monthly income of $340 (her $150 Social Security check plus her husband's $190 contribution) and access to the $1,800 remaining in their joint account. Before her husband entered the nursing home, their income as a couple ($900 per month) was about 146 percent of the Federal poverty level; after institutionalization, her income is 75 percent of the Federal poverty level.

H.R. 1711. As under current law, the couple's home, car, and personal effects are exempt resources, and are not considered in determining Medicaid eligibility. At the time the husband enters the nursing home, half of the joint savings account balance ($10,000) is attributed to him, the other half to his wife. Since the wife still has only $10,000 in liquid assets, he may transfer up to $20,000 more to her. The husband must then apply all but $1,800 of his $10,000 to the cost of care. At $2,000 per month, this will take less than 5 months.

Once he is resource-eligible, the husband's income is applied as follows: At least $25 for personal needs and $725 for the maintenance needs of the community spouse. (The community spouse is allowed a minimum of $925, including her income; since her income is only $150, she can receive at least $775 from the husband, which in this case exceeds the husband's entire income, other than his personal needs allowance). Nothing remains to apply to the husband's medical costs that are not covered by Medicaid, and nothing remains to reduce the cost of the husband's nursing home care to the Medicaid Program.

The wife in the community is left with a monthly income of $875 (her Social Security check plus the maintenance needs allowance), or 190 percent of the Federal poverty level for a single individual. She also has $12,000 in liquid assets. Relative to current law, Medicaid coverge would begin roughly 4 months earlier, and the total Federal and State Medicaid payment to the nursing home would go up by $535 per month (the difference between the husband's $190 contribution under current law and $725 contribution under the bill).

## EAGLE SCOUT EDWARD ROBERT SIGNORINO

### HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. MURPHY. Mr. Speaker, I rise at this time to recognize an outstanding achievement attained by my constituent, Edward Robert Signorino, of Uniontown, PA. He was recently awarded the highest rank in Scouting—that of Eagle Scout. Scouting is an activity that symbolizes the highest ideals of our great country, and Edward is to be commended for this achievement. I believe it speaks highly of his talent, dedication, and character.

Mr. Signorino has gone on to serve this country in the Armed Forces and I am confident he will continue to uphold the high standards of the Eagle Scout rank.

## CORRECTIONS TO H.R. 1067

### HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. DOWNEY of New York. Mr. Speaker, I am introducing legislation today that corrects technical problems in earlier legislation I introduced, H.R. 1067, regarding mental health benefits under the Medicare Program. The intent and goals of this new legislation are no different than those associated with H.R. 1067. In order to provide the widest possible opportunity for my colleagues to note the technical changes in the new legislation, I insert it here:

H.R. 1945

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be citied as the "Medicare Mental Illness Non-Discrimination Act".

SEC. 2. ELIMINATING DISCRIMINATION WITH REGARD TO MENTAL ILLNESS UNDER PART A OF THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1812 of the Social Security Act (42 U.S.C. 1395d) is amended—

(1) in subsection (b)—

(A) by striking "(subject to subsection (c))" in the matter before paragraph (1);

(B) by inserting "or" at the end of paragraph (1);

(C) by striking "; or" at the end of paragraph (2) and inserting a period; and

(D) by striking paragraph (3);

(2) by striking subsection (c); and

(3) in subsection (e), by striking "subsections (b) and (c)" and inserting "subsection (b)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 1988.

SEC. 3. ELIMINATING DISCRIMINATION WITH REGARD TO MENTAL ILLNESS UNDER PART B OF THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 13951) is amended by striking subsection (c).

(b) CONFORMING AMENDMENT.—Section 1866(a)(2)(A) of such Act (42 U.S.C. 1395cc(a)(2)(A)) is amended by striking the second sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs incurred on or after January 1, 1988.

## LOUDENSLAGER SCHOOL COMMEMORATES FORT BILLINGS

### HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. FLORIO. Mr. Speaker, recently, the staff and students of Loudenslager Elementary School in Paulsboro, NJ, prepared a report on Fort Billings, the first piece of land ever owned by the Government of the United States.

In the 18th century, Fort Billings served a vital purpose. It was the staging ground for what was to become the independence of the Thirteen Colonies from their mother country, England.

The students of the school have done an excellent job in documenting the history of Fort Billings and the contribution that it made to the creation of the United States. Below, I am including an excerpt of their report:

FORT BILLINGS—A SUMMARY

During the Revolutionary War, there were three forts along the Delaware to protect Philadelphia. In our research we found the three forts were planned, built, and run by several groups in Philadelphia. These were the Council of Safety, the Committee of Safety, the Board of War, and the Supreme Executive Council. These groups from Pennsylvania were in charge because the three forts protected the city of Philadelphia from the British during the Revolutionary War.

Two of the forts, Mifflin and Red Bank(Mercer), are well taken care of and remembered today. The third fort, Fort Billings, is little but a hole in the ground, forgotten by most people. Here is a brief summary of what we have found as we researched Fort Billings.

In January of 1776, the Committee of Safety sent one of their members, David Rittenhouse, to inspect the Jersey shore. He decided that it was not a good idea to build forts at Billingsport or Red Bank since they were too far from the chevaux de frise and the enemy could land above or below it and capture the fort without any trouble.

In spite of Mr. Rittenhouse's report, the Committee of Safety sent Washington a letter stating that they were going to sink the chevaux de frise and build a fort at Billingsport. They hired Robert Smith to supervise the work.

On July 4, 1776, after the Declaration of Independence was signed, the Continental Congress ordered that 96 acres of land at Billingsport be purchased from Benjamin Weatherby. On July 5th, the Thirteen United Colonies paid 600 pounds to Margaret Paul and her son, Benjamin Weatherby.

Construction of the fort began. On February 11, 1777, Robert Smith died at Billingsport. John Bull was hired to replace Smith and the work continued.

On March 13, 1777, for the first time, the Council of Safety asked Governor Livingston of New Jersey, to send men to help build the fort. Livingston agreed to help.

In the summer of 1777, five men wrote reports on the forts guarding the Delaware River. Phillipe Du Coudray wrote 4 reports, and he recommended Billingsport because it was high and at the narrowest part of the river.

On August 1, 1777, Washington inspected the three forts. Washington thought Fort Island (Fort Mifflin) was the best fort and Billingsport should be a secondary fort.

Washington asked three of his officers to report on these forts also. All three officers liked Fort Island. They didn't like Billingsport because it could be attacked easily from the rear.

Lord Cornwallis took over Philadelphia by land on September 26, 1777. The next day, after learning that the British were sending men to attack Billingsport, General Washington decided to attack the British at Germantown. Washington told Colonel Bradford to take command of Fort Billings and to evacuate it.

British Colonel, Thomas Stirling, was ordered to attack Billingsport. He landed all his men near Raccoon Creek by October 1, 1777. On the morning of October 2, 1777, General Newcomb met with Col. Bradford at Billingsport. He took his militia from the fort and marched south along the main road (Kings Highway) to meet the British. Newcomb met the British near Mantua Creek, but the British had 1500 men and Newcomb could not stop them. Col. Bradford ordered Fort Billings evacuated, spiked the cannons, and set fire to the barracks. About 12 o'clock, the British were so close that Bradford completed the evacuation. One man was wounded. The evacuation was carried out by boats from the Continental brig, Andrew Doria, and the Continential Marines. The marine officers who carried out the evacuation were Lieutenants Dennis Leary and William Barney.

For the next 2 weeks, the British tried to clear the chevaux de frise. By October 13, 1777, the British had moved enough of the chevaux de frise to get their ships by.

From November 17th to 19th, Lord Cornwallis and General Wilson landed over 5,000 men at Billingsport. These men were to march up the road to attack Red Bank. On November 21, 1777, the British took over Red Bank after the Americans evacuated it.

The British held control of Fort Billings until June 1778. During this time, the British rebuilt part of the fort. The British used the fort to protect their ships using the Delaware and to protect their men looking for supplies.

The next record we have of Billingsport is September of 1778 when the Supreme Executive Council inspected the fort. They ordered Col. John Bull to rebuild it.

In the spring of 1779, another French designer, Duportail, was asked to look at the forts of the Delaware. He recommended forts at Billingsport and Fort Island, but left out Red Bank.

The rebuilding continued at Billingsport but only a few soldiers were kept there until the Revolutionary War was over. After the war, the land was rented to a farmer.

During the War of 1812, Billingsport was again used by the United States to guard the Delaware River. It was also used as a place to train soldiers.

By an act of Congress in 1819, the Secretary of War was told to sell any military site that couldn't be used for fighting. In 1834, the Secretary of War, Louis Cass, sold the land at Fort Billings to John Ford and Joseph Gill for $2,000. At this time, the first piece of land ever owned by the United States passed back into private hands.

I applaud the achievement of the Fifth Grade Fort Billings Committee of the Loudenslager School. The committee, including James Amato, Tynaya Espy, Amaris Gaines, Candido Muriel, Anastasia Venable, Tanya Cutler, Michael Frisby, Alvia Lee, T'Mara Pollard, and Kelli Blue, was given a lot of advice from Mr. James Crawford and Mrs. Christine Smith of their school.

Thanks to a number of groups, including the New Jersey Historical Commission, Dr. Robert Harper of Glassboro State College, the Mobil Oil Corp., and the Exxon Oil Corp., the students were able to put together a fine piece of work. Their research will serve to stimulate the interest of their fellow students. The accomplishments of these students commemorate not only the importance of Fort Billings to the revolutionary cause of 1776 but also the importance of education in our children's lives.

In the course of their education, the Fort Billings Committee has demonstrated a talent and a determination to strive for excellence. Just as they commemorate the contribution of Fort Billings to the birth of a nation, I thank them for their contribution to our heritage.

## FINDERS KEEPERS FOR HISTORIC SHIPWRECKS

### HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. BENNETT. Mr. Speaker, abandoned historic shipwrecks should be protected from unnecessary destructive exploitation if possible. The House passed legislation in the 98th Congress that would have allowed States to manage abandoned historic shipwrecks in their waters. Currently, shipwrecks in State waters are subject to numerous conflicting laws and, ultimately, to admiralty courts and antique admiralty laws.

I submit for the RECORD a copy of an article on this subject, which appeared in the March 27, 1987, Washington Times. I have again introduced legislation in this Congress to give States the right to manage abandoned historic shipwrecks (H.R. 74). Senator BILL BRADLEY just introduced a companion bill (S. 858) in the Senate, and hopefully the Senate will join the House so that we can get this legislation enacted, as it should be:

FINDERS KEEPERS FOR HISTORIC SHIPWRECKS?

Suzanne Fields' Feb. 19 column, "The booty hunters: Plunderers or preservationists?" contained a disputable point.

Mrs. Fields wrote: "The law of the sea is on his [the salvor's] side. Shipwrecks *more than* three miles from the shore are finders-keepers. The salvors can have the goods, but they must provide acceptable archaeological controls. Naturally, that doesn't keep divers from tearing into a profitable site like plundering pirates, attending to the record only after they've destroyed and exploited a good part of the watery lode." [Emphasis added.]

The difficulty with that statement is that it seems to say that shipwrecks *within three miles of a state shore* (roughly state waters) are adequately protected and are not "finders keepers." This is not true. Historic shipwrecks within state waters are no more likely to be protected than historic shipwrecks outside of state waters.

There is today an increased awareness that ancient archaeological sites buried beneath the sea deserve as much respect as those buried on dry land. In fact, shipwrecks under the ocean are in some way even more historically valuable than landsites. Considering the missions of these ships—exploratory, military, cargo—and the duration of their voyages to the New World, which required that they function to some extent as self-contained communities, the potential for historical gems to be mined from the vessels is considerable.

The safety net of laws—the administrative regulations and advisory councils developed over the years—has made the commercial exploitation of important American historical sites unthinkable.

States have sought to work with recreational, cultural, scientific and commercial interests to develop policies of granting access while preserving these resources. Unfortunately, conflicting federal court decisions have cast considerable doubt on the states' authority to apply these policies to historical shipwrecks. In 1981, a federal district court ruled that, in absence of explicit legislation on the subject, the law of salvage applies to historic shipwrecks. Consequently, there is no appropriate law that applies to historic shipwrecks that are in state waters or outside state waters.

For the past several years, federal legislative proposals have been considered and refined. Such efforts have ranged from the establishment of guidelines to the shifting of historic wrecks into the control of the states, which I favor. I have authored legislation in this vein for the past several Congresses and in fact was able to get it through the House during the session of the 98th Congress. However, the bill bogged down in the Senate. On the first day of the 100th Congress, I reintroduced this legislation (HR 74) which I believe is much improved over past efforts. Previous legislation needlessly worried sports divers. Divers have now agreed on the language of my new bill. This legislation, while balancing competing interests, continues to provide states with the clear authority they need to oversee historic shipwrecks within their waters.

The scope of the bill is limited. If applies only to vessels listed in the National Register of Historic Places or embedded in ocean floor or coral formations (and therefore quite old) in state waters. The narrow range of the bill would allow for significant private sector activity. It would allow entrepreneurs to make money but the states could require protection of historical assets by valid contracts with the treasure hunters.

The purpose of HR 74 is to allow states to manage cultural resources on their lands without involving additional federal regulatory authority. The Reagan administration and the National Governors' Association have endorsed the concept presented in the bill, and numerous archaeological and sport diving groups, as well as salvors with a particularly strong dedication to the integrity of historical research, also support the bill.

Clearly, time is running out to protect historic shipwrecks. W.A. Cockrell, former head of Florida's underwater archaeology program said, "In this decade, you're going to see the destruction of all shipwrecks in the state waters."

The bottom line is that ships in state waters are not adequately protected. The Washington Times is to be commended for dealing with this issue in a fair and responsible way. What we are talking about is protecting historical shipwrecks and allowing states the basic right to manage their own waters. What we are not talking about here is detracting from free enterprise or the right of the entrepreneur. We know that people who find historic shipwrecks capture the nation's imagination. But once that fascination is gone, what is left? If the answer to this question is only a ransacked piece of junk and expanded billfolds—the answer is wrong. Winston Churchill said, "The longer you can look back, the farther you can look forward." Let's act now to guarantee that we can look back at those who sailed the coasts of our American states—before there was an America.—CHARLES E. BENNETT.

## FAMILY AND MEDICAL LEAVE ACT, H.R. 925

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mrs. SCHROEDER. Mr. Speaker, as one of the sponsors of the Family and Medical Leave Act, H.R. 925, I want to enter the following into the RECORD.

Representative BILL CLAY'S fine article, called Helping Families Weather Tough Times, demonstrates the best reasons for enacting the most important piece of family legislation in the 100th Congress.

As my colleague from Missouri has said so well in the article for the St. Louis Post-Dispatch: Providing the kind of leave required by H.R. 925 makes good business sense. This bill is preventive legislation that builds a bridge between the family and work.

[From the St. Louis Post-Dispatch, Mar. 3, 1987]

HELPING FAMILIES WEATHER TOUGH TIMES—FAMILY AND MEDICAL LEAVE ACT ENSURES THAT WORKERS CAN CARE FOR FAMILIES, KEEP JOBS

(By William L. Clay, Sr.)

Families in this country are clearly struggling. An underlying reason for this fact is the new economic reality that requires all adult members of the vast majority of families to work outside the home. This was not true when today's adults were growing up. It is a relatively new phenomenon that is causing parents and children to feel an increasing strain. The Family and Medical Leave Act, or H.R. 925, a bill I have recently introduced in Congress, is an attempt to come to terms with this new reality.

The bill entitles an employee to 18 weeks of unpaid family leave over a 24-month period for the birth or adoption of a child or the serious illness of a child or parent. It also provides for up to 26 weeks of unpaid medical leave over a 12-month period if an employee is unable to work because of a serious health condition.

The bill applies to employers with 15 or more employees, and the only direct cost to employers is the requirement that pre-existing health coverage be continued during the period of leave. It requires employees, whenever possible, to give notice of impending leave and that leave be scheduled to accommodate the employer.

There is no shortage of rhetoric about how important it is to "restore the family." The fragility of families is blamed for everything from rising crime rates, to illiteracy, to teen-age pregnancy to homelessness. What has been lacking is a clear understanding of what is causing families to struggle and a willingness to act on it.

Let me cite a few statistics. First, between 1950 and 1981, the participation rate of mothers in the work force tripled. Second, nearly 50 percent of all mothers with children under 1 year of age are now working outside the home and, finally, 96 percent of all fathers work and 60 percent of mothers work. Each of these figures has grown significantly in recent years.

We know something about picking up the pieces when families fall apart. We know that it is expensive. We know it is difficult. We know that a lot of what we have tried has not worked. The Family and Medical Leave Act is a new approach. It is preventive medicine. It addresses the cause of the problem and not its symptoms.

If the family is straining because nobody is left at home to care for the newborn or seriously ill child or parent, then a labor standard that can substantially relieve that stress is good and necessary public policy. Giving employees the security of knowing that at times of great family need they can take up to 18 weeks of family leave or up to 26 weeks of medical leave when suffering from a serious health condition goes to the heart of what is causing families to struggle.

Contrary to the contention that the Family and Medical Leave Act is a new departure, it is consistent with a long tradition of labor law. In the past, our labor laws have reflected the view that disregarding important social values should not benefit an employer. Thus, for example, our labor laws mandate a minimum wage, prevent the abuse of child labor and mandate standards for the health and safety of workers. Each of these standards arose when unscrupulous employers were gaining a competitive ad-

vantage over employers who were acting responsibly. Labor standard laws have been proven to cost little compared to what they accomplish.

It is true that many employers today provide the kind of family and medical leave required by H.R. 925. They do so because it makes good business sense. Granting adequate leave helps assure the loyalty of a work force and promotes productivity. The large number of employers who have adequate leave policies demonstrates that it is possible to accommodate such leave. We should support these employers by not allowing their competitors to benefit from policies that deny employees leave in times of great need.

We plan on moving this legislation. In the previous Congress, the bill progressed through committee and was ready for a vote in the House when Congress adjourned. In this Congress, we began the process earlier with a Senate that is likely to be more sympathic. We are hopeful that, with strong bipartisan support, the Family and Medical Leave Act will pass in the current Congress.

## INTRODUCTION OF THE SMALL BUSINESS TRADE COMPETITIVENESS AND INNOVATION ACT

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. LAFALCE. Mr. Speaker, on April 1, the Committee on Small Business took a critical first step in addressing the competitive problems confronting U.S. small businesses by approving, on a bipartisan basis, the Small Business Trade Competitiveness and Innovation Act. I would like to particularly thank Congressman JOE MCDADE, ranking minority member of the committee, and Congressman IKE SKELTON and Congressman ANDY IRELAND, chairman and ranking minority member of the Export Subcommittee, respectively, for their assistance and support. We are particularly pleased that the House leadership has indicated its intention to include this bill as part of this year's House omnibus trade bill.

Up to this point, there has been a serious gap in the trade debate, an important sector of the economy whose problems have been virtually ignored. Our small and midsize companies are key sources of economic growth and adjustment, yet their unique concerns have remained largely unaddressed. Therefore, it is very important that attention and focus be given to these issues in the trade bill.

Small and midsize companies account for half of our private work force, produce half of our gross domestic product, and have created nearly two-thirds of the new jobs of the last decade. These companies are the driving forces behind many of our advances in technology. Three-quarters of America's great corporations rely on small firms as suppliers, manufacturers, distributors, and customers. Entrepreneurs have spawned new businesses, indeed whole industries, while bigger firms have all too often been mired in outdated business practices. The success of many of our midsize growth companies establishes that U.S. industries—whether manufacturing, services, or high technology—can meet the challenge of international competition.

The world economy is now undergoing nothing less than a revolution. As we face the prospect of dramatic changes in the international economic structure, our small business sector is one of this country's hidden productive assets. Small business can spur the economic restructuring necessary to produce desperately needed growth in productivity, which ultimately translates into higher living standards. It can also minimize the vulnerability of the major industrial corporations to disruptions in unstable times and make them even more efficient in healthier periods.

But the potential of small and midsize companies to continue to contribute to the growth of the American economy and the overall international competitiveness of the United States is increasingly at risk.

Small firms which try to export face bewildering bureaucracies and byzantine regulations. Difficulties in acquiring and applying new technologies inhibit growth and revitalization. Capital formation is inadequate. Few mechanisms foster investment in smaller firms and these firms are largely ignored by the institutions that dominate banking and finance. Smaller manufacturing firms are disappearing as U.S. multinationals rely increasingly on a foreign subcontractor base.

The legislation reported by the Committee on Small Business provides for the creation of innovative export promotion and technology transfer programs directed at small business at the State and local level. It will also increase the access of smaller firms to the long-term capital necessary for the investment in new plant and equipment that is key to our meeting foreign competition at home and abroad.

Specifically, the legislation substantially strengthens the export promotion program of the Office of International Trade within the Small Business Administration; encourages greater emphasis on export promotion and technology transfer within the Small Business Development Center program and provides limited additional funding for those purposes; and makes available loan guarantees up to $1 million, as opposed to the $500,000 limit under existing law, for loans for the purchase of plant and equipment to be used in the production of goods and services involved in international trade where such loans are sold off into the secondary market. Not only would such a program help our small businesses to improve their competitiveness, but it would also serve to improve operation of a secondary market which links small businesses to large institutional investors.

In much of the trade bill, we are working largely to prevent further erosion of our trade position. But it is also time now to look forward and take positive steps to provide the environment in which U.S. companies can flourish; to rethink the potential of entrepreneurs and small and midsize companies as forces for economic growth; and to help provide the competitive environment in which that growth can occur.

The policy initiatives that focus on our larger corporations, however important, often do not deal with many of the legitimate concerns of our small and midsize companies. If we are to have a competitive small business sector, public policy must address its needs as well. We must expand export opportunities; minimize impediments to the growth of smaller, innovative firms; facilitate technology transfer; increase access to long-term capital; and, generally, create the conditions that foster innovation and business development. I believe that this bill marks an important beginning in addressing these issues. On behalf of Congressman MCDADE, Congressman SKELTON, Congressman IRELAND, and the other cosponsors of the bill, I ask for the support of my colleagues in this important effort.

## THE SEMICONDUCTOR CHIP PROTECTION ACT OF 1984

### HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. KASTENMEIER. Mr. Speaker, less than 3 years ago, the Congress passed and the President signed the Semiconductor Chip Protection Act of 1984. The Chip Act, as it has come to be known, broke new ground in the field of intellectual property law and established a form of legal protection tailored to the unique needs of the semiconductor industry. Drawing on the richness of both our copyright and patent laws, the act struck a balance between the proprietary interests of the semiconductor industry and the public interest in assuring access to benefits of technology. The act was the result of several years of work by my subcommittee—the Subcommittee on Courts, Civil Liberties, and the Administration of Justice. Much credit for the act should also go to three colleagues from the State of California: Congressman DON EDWARDS, Congressman NORM MINETA, and Congressman CARLOS MOORHEAD. The leadership in the other body of Senators PATRICK LEAHY and Charles McC. Mathias, Jr., now retired, should also be recognized.

Realizing that the semiconductor industry is international, and cognizant that the act fell neither under the Universal Copyright Convention nor the Paris Convention for the Protection of Industrial Property, we—my subcommittee and our counterpart Senate Judiciary Subcommittee—decided to conduct an experiment by providing transition provisions intended to encourage the rapid development of a new worldwide regime for the protection of semiconductor chips.

I am proud to say that the experiment—incorporated in section 914 of the act—has been a success. It may provide us with a model which can be replicated elsewhere, especially where bilateralism is to be emphasized and a multilateral treaty does not exist.

Section 914 of the act provides that the Secretary of Commerce may issue orders that make foreign nationals, domiciliaries and sovereign authorities eligible to obtain protection if certain criteria are met. First, the Secretary must find that the foreign nation is making good faith efforts and reasonable progress toward entering into a treaty with the United States; or that the foreign government pro-

tects, or is in the process of enacting legislation which will protect, U.S. mask works on the same basis as domestic mask works, or at a level similar to that provided under the act. Second, the Secretary must also find that nationals, domiciliaries, and secretary must also find that nationals, domiciliaries, and sovereign authorities of the foreign nation are not engaged in the misappropriation, unauthorized distribution, or commercial exploitation of mask works. Finally, the Secretary must determine that an order would promote the purposes of the act and international comity with respect to the protection of mask works. The Secretary delegated this section 914 authority to the Assistant Secretary and Commissioner of Patents and Trademarks; the Commissioner deserves credit for its implementation and administration.

After enactment of the Chip Act, the Commissioner published guidelines for the submission of requests for interim orders and began the consideration of a request from the Electronic Industry Association of Japan [EIAJ]. Following some initial problems concerning the sufficiency of the materials submitted by the EIAJ, the Commissioner published the EIAJ request in the Federal Register, solicited public comments, and convened a hearing. Shortly after the hearing, an interim order was issued for Japan extending protection for 1 year, but backdating the order, as permitted by section 914, to its date of receipt: In this case, only to the effective date of the act—November 7, 1984—since the EIAJ request was actually submitted on November 5, 1984.

Additional requests followed and were processed so that, today, interim orders are in place with respect to 16 countries: Japan, Sweden, Australia, the United Kingdom, the Netherlands, Canada, and the member states of the European Economic Community—France, the Federal Republic of Germany, Italy, Belgium, Spain, Portugal, Denmark, Greece, Ireland, and Luxembourg. In addition, a request from Switzerland is currently being processed.

But more importantly, this process is promoting the protection of U.S. mask works abroad. Japan has enacted a law that protects United States and Japanese mask works in a manner that is quite similar to our law. Sweden has just passed a chip protection law that will come into force on April 1, 1987. Protection under that law will immediately be extended to U.S. works. Several other countries have asserted that their existing copyright laws arguably protect chips, including the United Kingdom, Australia, and the Netherlands. Nevertheless, these three countries are actively considering whether this is a legitimate and appropriate long-term solution for chip protection.

In all of the countries to which orders have been issued, except Japan and Sweden where laws have been enacted, the Commissioner has received evidence, and the private sector agrees, that they are all making good faith efforts and reasonable progress toward enacting chip protection laws. There is no evidence, that U.S. mask works are subject to misappropriation in those countries, and all of those countries have been actively working, along with the United States, for a new treaty to protect semiconductor chips in the World Intellectual Property Organization. All of these facts bear testimony to the success of section 914 and its effective administration by the Patent and Trademark Office.

Also, soon after enactment of the Chip Act, the President issued an Executive Order No. 125041, relating to the protection of semiconductor chip products. The President delegated authority to the Secretary of Commerce—in accordance with such regulations as the Secretary may, after consultation with the Secretary of State, promulgate—to recommend issuance of proclamations under section 902 of the act. Section 902—which is derived from a parallel provision in copyright law—confers authority on the President to proclaim bilateral copyright relatives with foreign countries. Such orders are clearly revocable should the nature and level of protection afforded in a foreign country change substantially.

The success of section 914—the transitional provisions—has an effect on section 902—the more permanent section. This effect can easily be shown in the 16 interim orders under section 914, and the lack of a single proclamation under section 902.

Several questions nonetheless need to be asked and ultimately answered. Why hasn't the Secretary of Commerce issued regulations for section 902 proclamations, as is contemplated in the President's Executive order? Should section 902 be placed in limbo while section 914 is in effect? Should a formal hearing and comment period be a necessary part of the 902 process?

More importantly, there is a "fly in the ointment" that requires immediate legislative attention. The section 914 authority is scheduled to expire on November 7, 1987, 3 years after the effective date of the Chip Act. Because of the value of this provision in encouraging the development of international comity in mask work protection, I am today introducing a bill to extend the Secretary's authority for 4 more years, until November 8, 1991. I am pleased to be joined by three respected colleagues: Mr. MOORHEAD, Mr. EDWARDS of California, and Mr. MINETA. By providing this extension of authority, we will use a bilateral process to provide a continued incentive for foreign nations to move expeditiously to enact chip protection legislation in a way that will lay a sound basis for the development of a new mutilateral treaty in the World Intellectual Property Organization.

By providing for a temporary extension, we will preserve the efficacy of congressional oversight, contributing to an honest and open working relationship between the legislative and executive branches. Under this arrangement, the Department of Commerce will continue its close cooperation with and reporting to the House and Senate Judiciary Committees.

My bill—in its findings section—makes note of the positive bilateral developments just mentioned. In addition, the bill makes specific reference to efforts by the World Intellectual Property Organization to draft an international convention regarding the protection of integrated electronic circuits. These bilateral and multilateral developments, especially the development of a treaty, are extremely encouraging steps toward improving protection worldwide for mask works in a consistent and harmonious manner.

The purpose of the proposed legislation, in a nutshell, is to continue an important incentive in current law so as to stimulate further bilateral and multilateral developments.

By way of conclusion, in a "Report on the Operation of the International Transitional Provisions of the Semiconductor Chip Protection Act of 1984" submitted by the Assistant Secretary and Commissioner of Patents and Trademarks in consultation with the Register of Copyrights on November 7, 1986, it is observed that ". . . progress toward the development of a new international regime for the protection of mask works has been unusually rapid." The speedy enactment of laws in Japan and Sweden, patterned after American law, is not only a sign of progress but a great compliment to the U.S. Congress. Hopefully, more progress lies ahead. Section 914 of the Semiconductor Ship Protection Act of 1984 has been an effective tool in promoting international comity in the protection of mask works; its extension for another 4 years would serve both the interests of the United States and the interests of the world community.

I urge your support for this important legislation.

## LEGISLATION REQUIRING THAT CERTAIN FISHING VESSELS BE BUILT IN THE UNITED STATES

### HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. LOWRY of Washington. Mr. Speaker, today I am introducing legislation to reduce the uncertainty surrounding a provision in existing law that could jeopardize the gradual Americanization of the fishing industry within the U.S. Exclusive Economic Zone [EEZ].

The United States maintains a three-tier system in allocating the number of fish that ships are allowed to catch and/or process within the EEZ. The first priority goes to U.S.-caught and U.S.-processed fish. The second priority is U.S.-caught and foreign-processed fish. The lowest priority is foreign-caught and foreign-processed fish.

The uncertainty that this legislation would address is whether foreign vessels can be reflagged as a U.S. vessel, and as a result, can enhance its fish allocation priority. U.S. laws prohibit the transfer of many types of foreign ships including vessels that catch fish. However, based on some interpretations, that prohibition doesn't clearly extend to fish-processing vessels.

Foreign built factory vessels have significant advantages because of construction and labor costs. There are only a few U.S.-flag factory vessels because of the enormous capital costs. In addition, many of the foreign vessels that could be reflagged have been completely amortized.

This legislation will require that all vessels that will be considered as a vessel of the United States under the Magnuson Act, after April 6, 1987, will be built in the United States. This legislation will help to stabilize the invest-

ment regime for the construction of U.S. processing capacity which will achieve the long-term goals of the Magnuson Act and result in the full utilization of the valuable fish resource within the EEZ.

I look forward to working with the gentleman from Alaska [Mr. YOUNG] and other members of the Merchant Marine and Fisheries Committee as we consider this legislation.

## UNITED STATES DEFENSE FORCE ACT OF 1987

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. KEMP. Mr. Speaker, today I am joining with my friend Congressman JIM COURTER to introduce a bill, which has been sponsored in the other body by our distinguished colleague Senator MALCOLM WALLOP, to lay the foundations for deploying strategic defenses.

I believe that the time for business as usual is long past:

While Congress threatens severe cuts in the President's $5.8 billion SDI request, the Soviets are spending $20 billion a year on strategic defenses.

While the State Department is negotiating with some in Congress over how far we might unilaterally constrain ourselves, the Soviets are continuing an offensive military buildup unprecedented in history.

While some of our colleagues are debating narrow questions of ABM Treaty terminology, the Soviets are deploying strategic defenses.

All the while, the pace of technology and Soviet violations have combined to render the ABM Treaty truly "A.B.M."—all but meaningless.

The question is not, will strategic defenses be developed? The question is, Will the Soviet Union be the only country to possess them?

I have repeatedly said that the Strategic Defense Initiative Office needs a new mission: To deploy SDI. But General Abrahamson hasn't been given the resources to that job. SDIO was created not for the purpose of deploying strategic defenses, but only for managing SDI research.

The good news is that in 4 short years we have made tremendous progress, thanks in no small part to the dedication and talents of General Abrahamson. Today, we have the knowledge and the technology to deploy a layered system to defend this country and our allies against ballistic missile attack. But the bad news is that no one in the military has been assigned to do that.

Isn't that extraordinary? The U.S. Constitution charges Congress with providing for the common defense. In my view, defending against the most destructive weapons of our era falls squarely within that mandate. And yet, we have no such defense—even though the technology is available.

My bill would change that. It would create a new military service, with the sole responsibility of performing the mission of defending our country from ballistic missile attack. With that mission clearly established, we can get on with the decisions and the programs necessary to accomplish the mission. And SDI can become a reality.

Now, the approach outlined in this bill may not be the only or even the best solution. We may find that there are more efficient ways of accomplishing the mission of protecting the United States against ballistic missile attack. I would welcome any and all suggestions of how we might do that.

But the purpose of my bill is to trigger that critical debate. As a nation, we must address this problem with all the urgency, intensity, and serious attention to detail it requires. We must erect the legal and organizational infrastructure necessary for SDI deployment. We must turn our determination to protect America into tangible results.

This will never happen if SDI remains confined to the research laboratory. To refrain from building what antimissile devices we can to defend against Soviet missiles that exist or are on the horizon is as politically untenable as it is militarily senseless. In a time of Gramm-Rudman, an SDI program with no definite consequences for defending America and our allies for the next 10 years will not be politicaly sustainable.

This year, the ABM Treaty by its terms is up for review. We have the opportunity, indeed the obligation, to review how that treaty has been observed or broken. We need to ask whether it continues to serve our national security interests, or poses an obstacle to ensuring stability and protecting our Nation.

As I see it, the ABM Treaty—whether interpreted narrowly, broadly, or somewhere in between—has been violated by the Soviet Union; and it must not be allowed to stand above our Nation's vital security requirements.

I am introducing this bill in the hope that it will serve as a catalyst for a real program to build and deploy strategic defenses, to make President Reagan's magnificent vision a reality. I believe this is a practical first step toward enhancing deterrence, protecting our citizens and our allies, and ensuring the peace.

## TRIBUTE TO JOSEPH DioGUARDI

### HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. DioGUARDI. Mr. Speaker, I rise today to pay tribute to my father, Joseph DioGuardi, whom we tragically lost yesterday.

Like thousands of Italian immigrants before him, my dad arrived in New York City with his family from Naples in 1929—armed only with the desire to work hard and the determination to succeed in this new land of opportunity and freedom.

He was then 16, and, as the Great Depression occurred, he walked the streets of New York's upper east side looking for a way to support himself and to help provide for his family.

Joseph DioGuardi found it difficult to find work, yet managed to survive by shining shoes and taking other odd jobs just to get by.

Yet, Mr. Speaker, my dad managed to do more than just survive. He started a grocery business, worked very hard, and moved to the Westchester County, NY suburb of Greenburgh to raise his family.

No, this is not an uncommon story, for the promise of America offered my dad the opportunities he sought to build a better life for his children and grandchildren. He left a lasting monument of spiritual and temporal values—especially love.

From my father's first glimpse of the Statue of Liberty to his final days with us, he exemplified the qualities we admire in a father and will forever provide the inspiration to me, my brother and sister, and his grandchildren to always do our best at whatever we decide to do in life.

Mr. Speaker, I must admit that I am prouder of the achievements of my father than I am of my own modest success. He had the drive, determination, and vision to make the best of every situation and to forge a path of hope and opportunity for his children. I thank the Lord for allowing me and my family to have had such a great and admirable man for a father, and can only hope that I ultimately bestow upon my children as much love and devotion as he bestowed upon me.

## INTRODUCTORY STATEMENT ON LEGISLATION TO REAUTHORIZATION CHAPTER 1 OF ECIA

### HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. JEFFORDS. Mr. Speaker, I am pleased to introduce legislation to reauthorize and extend chapter 1 of the Education Consolidation and Improvement Act. This proposal was developed by the Department of Education and, I believe, contains many ideas worth consideration by this Congress.

The administration agrees with many Members of Congress that chapter 1 is an important Federal program and has requested a $200-million increase in appropriations for fiscal year 1988 in order to maintain the program at its current strength. Further, the Department of Education spent a great deal of time and effort seeking advice on how chapter 1 programs might be improved. It is reassuring to see that many features of their proposal parallel provisions in H.R. 950, the bill developed by the Education and Labor Committee to reauthorize this program.

Some of the major themes of this legislation are: Rewarding successful chapter 1 programs by making increased funding available to outstanding programs; improving the targeting of chapter 1 so that funds are concentrated in the areas of highest need; encouraging innovation and effective practices; and strengthening the parental involvement that already exists in the chapter 1 statute. While the goals of H.R. 950 and this proposal are very similar, the Department of Education and the Education and Labor Committee have proposed different approaches to achieve those goals. For example with respect to targeting, H.R. 950 would fund "concentration grants" with the first $400 million of appropriations over fiscal year 1987 levels while the Department would

fund the grants with 5 percent of the total chapter 1 appropriation.

I am pleased to have the opportunity to introduce this legislation. Although I do not completely agree with every segment of the proposal I am introducing today, I believe that all serious proposals and valid ideas should be considered during this reauthorization process. While I share the Department's concern for providing services to eligible students in private schools for example, I do not agree that providing "compensatory education certificates" to parents is the best means to achieve that end. However, the committee is prepared to examine the ideas in this bill, and adopt those elements which would improve the operation of this already successful program.

The hard work that went into developing this proposal is readily apparent. I would like to thank those persons in the Department of Education for their efforts and offer to continue to work together to see how the best parts of this legislation can be incorporated into the committee's bill.

## TRIBUTE TO DR. J. JOHN KRISTAL

### HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. TORRICELLI. Mr. Speaker, it is with great pleasure that I rise today in tribute to Dr. J. John Kristal of Hackensack, NJ. Dr. Kristal is an exemplary and dedicated professional who has consistently demonstrated great caring, compassion, and concern in the many roles he has undertaken throughout his life and career.

Dr. Kristal joined the Army in 1941, retiring in 1946 as a major, after having served his country in the Medical Corps. He is not only licensed to practice in the States of New Jersey and New York, but also is licensed to practice in England, Scotland, and Wales. Dr. Kristal's extensive medical training has added another dimension to his ability not to lose sight of the human element that underlies the concerns to which he applies so much of his energy and time.

As an attending physician on staff at Hackensack Medical Center, Bergen Pines, and Fair Lawn General, he has also devoted much time and acted as a spokesman for the treatment and care of diabetes.

His concern for his community led to his trusteeship on the Hackensack Board of Education from 1963 to 1968. He has been active in Jewish causes most of his lifetime, and has held many posts in committees dealing with the needs of the Jewish community.

It would take many pages to recreate the extensive contribution Dr. Kristal has made to the quality of life in Bergen County. His sense of dignity, depth of commitment and vision are qualities that we have all come to admire and respect. We honor him today.

## FLORIDA SHOULD HAVE A MAJOR LEAGUE BASEBALL TEAM

### HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. MACK. Mr. Speaker, nearly 65 years ago, my grandfather, who owned and managed the then-Philadelphia Athletics, brought his team to southwest Florida's Fort Myers for spring training. Cornelius McGillicuddy, better known as Connie Mack. liked the idea of baseball in Florida. So do I!

Florida was a very youthful State in the mid-1920's when the Athletics made the journey South. Its population was only about 1 million, representing 1 percent of the country. Our cities, by today's standards, were relatively small. So while spring training in Florida made sense back then, a permanent major league franchise did not. My how times have changed.

It's a shame that America's favorite sport does not have a major league team in our State. The evidence that Florida deserves a franchise is overwhelming. Here are six of the most compelling reasons why:

First, we are now the fifth largest State. By the turn of the century, projections place us third. Our big cities are among the fastest growing in the Nation.

Second, of the eight most populated States, Florida is the only one without a major league baseball team. Six of the other seven have at least two. And no existing franchise is close enough for Floridians to attend games.

Third, Florida boasts 3 of the top 30 TV markets in the country. According to the Nielsen rankings of metropolitan areas, both the Tampa/St. Petersburg and Miami/Fort Lauderdale TV markets are larger than the markets of seven current major league cities, and Orlando's market is larger than three.

Fourth, our climate is terrific for the sport. It's no surprise that 18 of the 26 existing franchises apparently agree with my grandfather's 65-year-old decision to maintain spring training facilities in our State.

Fifth, Florida's home-grown baseball talent is impressive. Many current major league baseball players honed their skills here either at the high school or collegiate levels of the sport. Moreover, Florida's college teams invariably rank among the best in the Nation.

Sixth, Florida's cities have demonstrated organization and formal interest in expansion for over 6 years. In fact, Miami, St. Petersburg, and Tampa were among the dozen cities that presented bids to baseball officials in November 1985. And Orlando has also expressed interest in a franchise.

Baseball team owners and Commissioner Peter Ueberroth have been sounding out the idea of new expansion teams for some time. Now, however, the expansion issue seems to have drifted from the front burner to the back burner. Decisions about the number of new franchises, when they will be awarded, and to which cities, all remain unanswered. The timetable for these decisions, at best, is indefinite.

Baseball advocates in Florida have shown that they are ready! Clearly, the combination of the demographic evidence, our State's fine baseball tradition, and our baseball-perfect weather place Florida at a distinct competitive advantage for a franchise whenever the expansion decision is reached. The time for that decision is now.

## NOW IS THE TIME FOR JAPAN TO LIVE UP TO ITS AGREEMENTS

### HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. STANGELAND. Mr. Speaker, I rise today to voice my full support for President Reagan's decision to retaliate against Japan for unfair trade practices. It is essential that the President act when one of our trading partners refuses to abide by negotiated agreements.

On September 2, 1986, the United States and Japan signed an agreement designed to govern trade in semiconductor products. The purpose of this agreement was to enhance free trade in semiconductors by eliminating Japan's practice of dumping this product on American markets. Japanese producers were attempting to drive American semiconductor producers out of business. In addition to this practice, Japan was limiting the access of American semiconductors to Japanese markets.

Japan agreed to stop this dumping practice by monitoring costs and export prices of semiconductor products exported by Japanese firms. Japan also agreed to open its own markets to American-made semiconductors. This would be accomplished through the establishment of a sales assistance organization and the promotion of stable relationships between Japanese purchasers and American-made semiconductor producers.

To date, Japan has failed to fulfill these obligations which has adversely affected the sales of American-based semiconductor firms. In fact, the administration has calculated that Japan's failure to adhere to the semiconductor agreement has cost American semiconductor producers approximately $300 million.

The President has therefore decided to retaliate by placing duties on certain Japanese-made goods. Steep new duties will be placed on air-conditioners, radio-tape players, and communication satellite parts. This action will protect American industry that is suffering from Japan's unfair trade practices and will demonstrate our resolve to give our industry a fair chance to compete. It is now time for Japan to alter its' policy and live up to its' agreements.

## FAIRNESS DOCTRINE

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. MARKEY. Mr. Speaker, today I am proud to introduce, along with the distin-

guished chairman of the Energy and Commerce Committee, Mr. DINGELL, the Fairness in Broadcasting Act of 1987. This bill will reaffirm the commitment of Congress to complete and balanced broadcasting.

The fairness doctrine requires merely that broadcasters provide coverage of issues of importance to the local community and allow those with opposing views an opportunity to respond. The doctrine ensures that the public will be provided with enough information to make informed choices about important social and political issues. It is grounded in our Nation's commitment to broadcasters service to the local community.

For more than 50 years, the fairness doctrine has been a cornerstone of our Nation's broadcast policy. It is as important today as it was in 1934. Despite technological changes resulting in more electronic media outlets, our Nation's broadcast spectrum still is limited. Many more people seek access to the airwaves than the limited availability of broadcast spectrum allows. As a result, broadcast licensees are considered public trustees of our Nation's airwaves, charged with service in the public interest. The fairness doctrine ensures that service to the public by broadcasters is balanced and equitable.

In the absence of the fairness doctrine, broadcasters could refuse to air controversial issues. The doctrine ensures that those with unpopular opinions also will have outlets to air their views. It is important to note, however, that the Federal Communications Commission, which is charged with administering the fairness doctrine, is not empowered to tell broadcasters what issues to address.

Increasingly, the fairness doctrine is coming under attack at the Commission and in the courts. The bill we are introducing today reaffirms congressional support for this very important policy.

The fairness doctrine is vital to the public interest. It guarantees that the public has full and balanced information about important issues of the day and is essential protection to ensure an informed populace.

I urge all my colleagues to join as cosponsors and support this bill.

## TRUCK-MOUNTED ATTENUATOR LANGUAGE

### HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. HOWARD. Mr. Speaker, the conference report to H.R. 2 includes language that increases to 100 percent the Federal share of the cost of a limited category of safety equipment, including impact attenuators. Impact attenuators are both stationary and mobile. It is my understanding that the FHWA has approved specific hardware and systems for stationary impact attenuators, but has not as yet approved any for mobile attenuators.

As noted in the House committee report to accompany H.R. 2, the increase in the Federal share is designed to be limited to those safety products that have demonstrated their high cost effectiveness and have been accepted by the Federal Highway Administration. The conferees, as well, intended that the increased Federal share be applied only to such items. We certainly do not want to open the door for 100 percent Federal funding to products that have not demonstrated their cost effectiveness, but which are simply characterized as, an attempt to fall under the general definition of, impact attenuator.

FHWA has not yet undertaken an approval procedure for truck-mounted attenuators. However, the prestigious National Council of Highway Research Programs [NCHRP] has established evaluation criteria for these mobile attenuators. Therefore, I wish to clarify that the definition of impact attenuators in this legislation shall only include those mobile truck-mounted attenuators that would perform according to NCHRP No. 230 evaluation criteria for the widest known weight range of automobiles that can be met.

## THE CHALLENGE OF AMERICAN CITIZENSHIP

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. YOUNG of Alaska. Mr. Speaker, each year the Veterans of Foreign Wars conducts a Voice of Democracy Contest in which high school students are invited to participate. The program began 40 years ago with a single scholarship award of $1,500 for the first place national winner. It has grown to a contest consisting of seven annual scholarships totaling $33,500 with the first place winner receiving a $14,000 scholarship to the school of his choice. Student participation has tripled and school participation has doubled since its inception.

I am proud to present the winning essay from my State of Alaska. It is entitled "The Challenge of American Citizenship" and was written by Rewa C. Hintz of Eagle River, AK. Rewa attends Chugiak High School and plans to pursue a career as a flight surgeon. She maintains a 4.0 grade point average and has received several awards during her high school career.

Her essay follows:

THE CHALLENGE OF AMERICAN CITIZENSHIP

What is it to be an American? To be what you want to be, with the freedom and courage to go get it. To many it is being an American citizen.

The other day, surrounded on all sides by friends and classmates, I felt small and insignificant, though a part of the whole. A microphone screamed in frustration, we fell silent, looking expectantly towards the doors. The speaker could barely be heard above our restless movements, as we stood for the presentation of the colors. A spine-chilling second passed, as the room was quiet for the proud entrance of the red, white, and blue symbol of all America. We stalled time in our busy lives in silence as the grandeur of the years and lives spent to make that flag everything it is hung suspended in the air. Then, as a whole, as one, our voices came together in the Pledge of Allegiance. It was not just your memorized speech, but a heart-felt pledge to the country that rose from the room that day.

In the wake of the departing flag, smattering claps bloomed into cheers. Goose bumps popped up on my arms as I joined in, realizing just how lucky I was to be an American citizen.

I did not walk away that day from the room the same. I thought of all the times I enjoyed the freedoms offered to me as an American citizen. What did I do in return for the right to speak and print what I thought? We sang songs in school, sure. We even argued her ideas, but what did I really do? What had ever happened to the ideas, like the Frenchman Sallust's, "for country, children, hearth, and home," the country was first. There were ways out there, there are ways out there, ways for everyone to show their support. After all, America was built on a belief in the common man.

Being a citizen means being able to stick it out at school when times seem tough, at least to me, to others it may mean offering her the stability of a family, working nine to five, keeping America clean, and her people safe and healthy. She holds a call for every person strong enough in heart and mind to hear it.

With the flag as a signal to wave us on, why shouldn't we all "go for the gold" with the same enthusiasm as our olympic heroes and heroines? Yet, amazingly enough so many of us don't choose to accept America's great challenge. Her rights are lost on them, and yet there are those who can hear her beckoning. They are the ones with the courage to face America. Her successes as well as her faults, to succeed, and to fail along with her. They feel the chills down their backs at the sight of the flying colors, the soaring eagle. America makes them strong. She praises and she reprimands, she blesses and takes away, but it's there for all. She gives us the challenge. Isn't it worth the try?

I've heard that call and I only hope I'm strong enough to answer it. America has it all, the opportunities abound, as a citizen I believe everyone owes her the effort of the strife. Do not get me wrong, it's not on a silver platter. No one ever said it would be easy. But those rocks in the road, the triump of overcoming them is the ultimate challenge of the American citizen, for some the "gold" from their view may never be reached, but, oh, for that fight!

## USPS MUST COMPLY WITH OSHA REGULATIONS

### HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 6, 1987*

Mr. LELAND. Mr. Speaker, today I am introducing legislation which would make the U.S. Postal Service [USPS] subject to certain provisions of the Occupational Safety and Health Act of 1970.

As chairman of the Subcommittee on Postal Operations and Services, of the House Committee on Post Office and Civil Service, I have become acutely aware of the need for legislation which would mandate that the USPS comply with OSHA regulations and that OSHA be given enforcement powers to ensure USPS's compliance. These enforcement powers would be the same as those which OSHA currently has to ensure compliance by the private sector.

During a recent joint hearing with the Subcommittee on Postal Personnel and Modernization conducted to review the tragic death of 14 USPS employees at the Edmond Post Office last August, it was learned that the Edmond facility was not in compliance with either OSHA or USPS safety regulations. Whether or not USPS' failure to comply with safety regulations added to an already tragic situation, it is inexcusable that the USPA would allow postal facilities to operate in noncompliance with both its own safety regulations, and that of OSHA's.

During the 1970's, legislation similar to that which I am introducing today, was considered. The USPS asserted then, and continues to assert today, that granting enforcement powers to OSHA is not needed. They contend that they are addressing and correcting any safety violations which exist in their facilities. Unfortunately, these assertions can no longer be accepted. The USPS may have made some strides in correcting what has clearly been documented to be very serious safety problems in postal facilities across the country, however, it is apparent that the USPS has not been vigilant enough in these efforts.

The Edmond facility is just the latest example of the USPS's apparent lack of conviction in addressing their safety problems. The Government Accounting Office [GAO], in a report issued late last year to the Committee on Post Office and Civil Service in response to our request to review the Los Angeles Bulk Mail Center, also documented various safety violations at that facility.

This lack of effort by the USPS to correct continuing safety problems is unacceptable. Providing OSHA enforcement to authorize that the USPS comply with safety regulations is both a positive and a necessary step to guarantee the safety and health of USPS employees and the public who utilizes these facilities. I urge my colleagues to join me in this effort.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 7, 1987, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

#### APRIL 8

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

Energy and Natural Resources
Business meeting, to mark up S. 748, to establish a comprehensive, equitable, reliable, and efficient mechanism for full compensation of the public in the event of an accident resulting from activities undertaken under contract with the Department of Energy, and S. 643, to permit States to set aside in a special trust fund up to 10 percent of the annual State allocation from the abandoned mine land reclamation fund for expenditure in the future for purposes of abandoned mine reclamation.
SD-366

Finance
To continue hearings on certain trade issues, including provisions of H.R. 3, Trade and International Economic Policy Reform Act, S. 490, Omnibus Trade Act, and Title II of S. 636, International Economic Environment Improvement Act.
SD-215

9:30 a.m.
Armed Services
Closed business meeting, to consider S. 864, authorizing funds for fiscal years 1988 and 1989 for the Department of Defense.
SR-222

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review the national airspace system plan.
SR-253

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Securities and Exchange Commission and the Civil Rights Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
To resume oversight hearings on corporate takeovers.
SD-538

Foreign Relations
Business meeting, to mark up proposed legislation authorizing funds for development and security assistance programs.
SD-419

Labor and Human Resources
To hold hearings on catastrophic health insurance for Medicare beneficiaries.
SD-430

Select on Intelligence
To hold hearings on the nomination of William H. Webster, of Missouri, to be Director of Central Intelligence.
SD-106

10:30 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings in open and closed sessions on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on Navy and Navy Reserve components.
SD-124

1:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-192

Armed Services
Conventional Forces and Alliance Defense Subcommittee
Defense Industry and Technology Subcommittee
To hold joint hearings to review balanced technology initiative projects within the Department of Defense.
SR-222

2:30 p.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings on proposed legislation to reauthorize the Developmental Disabilities Act.
SD-430

3:30 p.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

4:30 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To hold a closed meeting.
S-407, Capitol

#### APRIL 9

9:00 a.m.
Governmental Affairs
To hold hearings to review the need for an Inspector General at the Nuclear Regulatory Commission.
SD-342

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for fiscal year 1988 for the U.S. Coast Guard, Department of Transportation, and related matters.
SR-253

Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on the status of the Clean Coal Technology Program, and on S. 879, to provide financial and regulatory incentives to the electric utility industry to construct commercial-sized clean coal technology projects.
SD-366

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings potential additional controls on mobile sources under the Clean Air Act.
SD-406

Judiciary
Constitution Subcommittee
To resume hearings on S. 558, to revise the procedures for the enforcement of fair housing under title VII of the Civil Rights Act of 1968.
SD-226

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense, focusing on Navy and Marine Corps programs.
SD-192
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.
SD-124
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Interstate Commerce Commission, and the Research and Special Programs Administration of the Department of Transportation.
SD-138
Labor and Human Resources
Labor Subcommittee
Business meeting, to mark up S. 79, to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers.
SD-430

1:45 p.m.
Select on Indian Affairs
Business meeting, to mark up S. 727, to clarify Indian treaties and executive orders with respect to fishing rights, and S. 795, to provide for the settlement of water rights claims of the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands of Mission Indians in San Diego County, California.
SD-628

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Capital Planning Commission, Energy Conservation, Energy Information Administration, and the Economic Regulatory Administration.
SD-192
Judiciary
To hold hearings to review drug testing issues.
SD-226
Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the National Science Foundation.
SD-430
Select on Indian Affairs
To hold oversight hearings on Indian economic development issues.
SD-628
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.
SH-219
Joint on Printing
To hold an organizational business meeting.
H-328, Capitol

2:30 p.m.
Armed Services
Defense Industry and Technology Subcommittee
To resume hearings to review Department of Defense implementation of recent changes in acquisition policy.
SR-253

APRIL 10

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, U.S. Postal Service, and general government.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.
SD-124
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on proposed legislation providing a taxpayer's bill of rights.
SD-215
Judiciary
Immigration and Refugee Affairs Subcommittee
To hold oversight hearings on the implementation of the Immigration Reform and Control Act.
SD-226

APRIL 21

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
Hazardous Wastes and Toxic Substances Subcommittee
To hold joint hearings on substitutes for stratospheric ozone depleting chemicals.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

2:30 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Federal Communications Commission.
SR-253

APRIL 22

9:00 a.m.
Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings on S. 552, to improve the efficiency of the Federal classification system and to promote equitable pay practices within the Federal Government.
SD-342
Rules and Administration
To hold hearings on proposed authorizations for fiscal year 1988 for the Federal Election Commission.
SR-301

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on the Office of the Secretary, and salaries and expenses.
SD-192
Energy and Natural Resources
To hold hearings on the recent Department of Energy report to the President entitled Energy Security.
SD-366
Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on the Environmental Protection Agency views on acid rain controls and post-1987 attainment strategies.
SD-406
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 568 and S. 573, bills to protect patent owners from importation into the United States of goods made overseas by use of a United States patented process, and S. 635, Omnibus Intellectual Property Rights Improvement Act.
SD-226
Rules and Administration
To resume hearings on S. 2, S. 50, S. 179, S. 207, S. 615, S. 625, S. 725, and Amendment No. 36 to S. 2, measures to provide for spending limits and public financing for Senate general elections.
SR-301

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimate for fiscal year 1988 for the Small Business Administration, and the Federal Trade Commission.
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Geological Survey, Department of the Interior.
SD-192
Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Department of Energy national laboratories.
SD-116
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Hazardous Materials Transportation Act.
SR-253

Select on Indian Affairs
To hold oversight hearings on the implementation of the Indian Self-Determination and Education Assistance Act (P.L. 93-638).
SR-485

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on compensatory education for the disadvantaged, special programs, impact aid, bilingual education, immigrant and refugee education, education for the handicapped, rehabilitation services and handicapped research, special institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet College), and vocational and adult education.
SD-192

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 724, to advance the scheduled termination date of the Essential Air Service Program.
SD-628

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Earthquake Hazards Reduction Act (P.L. 95-124).
SR-253

Rules and Administration
To continue hearings on S. 2, S. 50, S. 179, S. 207, S. 615, S. 625, S. 725, and Amendment No. 36 to S. 2, measures to provide for spending limits and public financing for Senate general elections.
SR-301

Small Business
To hold hearings on issues related to the cost and availability of health care benefits for small businesses and their employees and on proposals for federally funded mandated health benefits.
SR-428A

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on Army and Army Reserve Components.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on Atomic Energy Defense activities.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Coast Guard, Department of Transportation.
SD-138

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 247, to designate the Kern River in California as a National Wild and Scenic River, and S. 275, to designate the Merced River in California as a National Wild and Scenic River.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior. focusing on the Office of the Secretary and the Office of the Solicitor.
SD-192

Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To hold a closed meeting.
S-407, Capitol

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on student financial assistance, guaranteed student loans, higher education, higher education facilities loans and insurance, college housing loans, Howard University, education research and statistics, and libraries.
SD-138

Labor and Human Resources
Aging Subcommittee
To resume hearings on S. 887, authorizing funds for fiscal years 1988-1992 for programs of the Older Americans Act, and to review the changing needs of the elderly.
SD-430

APRIL 24

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Hazardous Materials Transportation Act.
SR-253

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, and the National Institute of Building Sciences.
SD-124

Judiciary
Courts and Administrative Practice Subcommittee
To resume hearings on S. 548, Retiree Benefits Security Act.
SD-106

APRIL 27

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development, focusing on certain activities of the Department of Energy.
SD-192

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 1320, Land and Water Conservation Fund Act Amendments of 1987, focusing on provisions relating to National Park System entrance fees.
SD-366

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings on S. 541, to extend to certain officers and employees of the United States Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, U.S. Code, to Federal employees in the competitive services.
SD-342

APRIL 28

9:30 a.m.
Energy and Natural Resources
To hold hearings to review technical issues related to the siting of a geologic repository.
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for security assistance programs.
S-126, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Bureau of Mines, and the Office of Surface Mining, Reclamation and Enforcement.
SD-192

APRIL 29

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 839, to authorize the Secretary of Energy to enter into incentive agreements with certain States and affected Indian tribes concerning the storage and disposal of high-level radioactive waste and spent nuclear fuel.
SD-366

2:00 p.m.
Energy and Natural Resources
To hold hearings to review the Department of Energy's proposed establishment of a Monitored Retrievable Storage (MRS) facility.
SD-366

Select on Indian Affairs
To hold oversight hearings on the Indian Financing Act and the Buy Indian Act.
SR-485

APRIL 30

9:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the De-

partment of the Interior, focusing on territorial governments.
SD-124

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Justice, focusing on the Office of Justice Programs, Immigration and Naturalization Service, and the Federal Prison System.
S-146, Capitol

Commerce, Science, and Transportation
To hold hearings on the nomination of James L. Kolstad, of Colorado, to be a Member of the National Transportation Safety Board.
SR-253

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 44 and S. 843, bills to extend and improve the procedures for the protection of the public from nuclear incidents.
SD-406

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for defense security assistance programs.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Urban Mass Transit Administration of the Department of Transportation, and the Washington Metropolitan Transit Authority.
SD-138

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 568 and S. 252, bills to establish the San Pedro Riparian National Conservation Area, Arizona, and S. 575, to convey public land to the Catholic Diocese of Reno/Las Vegas, Nevada.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial affairs.
SD-192

Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To hold a closed meeting.
S-407, Capitol

2:30 p.m.
Labor and Human Resources
Aging Subcommittee
To resume hearings on S. 887, authorizing funds for fiscal years 1988-1992 for programs of the Older Americans Act, and to review the changing needs of the elderly.
SD-430

MAY 1

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 721, to provide for and promote the economic development of Indian tribes.
SR-485

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

2:00 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold hearings on proposals to restructure the Department of Energy's uranium enrichment program.
SD-366

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Holocaust Memorial Council.
SD-138

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on defense agencies.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, the Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Supreme Court, and for the Department of Justice, focusing on the Federal Bureau of Investigation, Drug Enforcement Administration, and the U.S. Marshals Service.
S-146, Capitol

2:00 p.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for the U.S. Travel and Tourism Administration, Department of Commerce.
SR-253

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

MAY 7

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for fossil energy, and clean coal technology programs.
SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration, and the General Accounting Office (FAA operations).
SD-138

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 191 and S. 261, bills to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior, and S. 451, to authorize a study to determine the appropriate minimum altitude for aircraft flying over national park system units.
SD-366

2:00 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold closed hearings to review the status of the Department of Energy's defense materials production facilities.
S-407, Capitol

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Energy and Natural Resources
Research and Development Subcommittee
To resume hearings on proposals to restructure the Department of Energy's uranium enrichment program.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration of the Department of Transportation, and the General Accounting Office (R, E & D, F & E, Airport Grants).
SD-138

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

MAY 12

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain export financing programs.
S-126, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Legal Services Corporation, and the Equal Employment Opportunity Commission.
S-146, Capitol

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 84, authorizing funds for the Land and Water Conservation Fund, and S. 735, relating to the distribution of revenues received under the Land and Water Conservation Fund Act.
SD-366

MAY 13

9:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for foreign assistance programs.
S-126, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988, to receive public testimony on certain programs of the Departments of Commerce, Justice, State, the Judiciary, and related agencies.
S-146, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.
SD-138

MAY 14

9:00 a.m.
Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold joint hearings with the House Committee on the Post Office and Civil Service's Subcommittee on Census and Population to review the 1990 census questionnaire.
S-342

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.
SD-138

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To resume hearings on S. 84, authorizing funds for the Land and Water Conservation fund, and S. 735, relating to the distribution of revenues received under the Land and Water Conservation Fund Act.
SD-366

MAY 15

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.
SD-124

MAY 18

2:00 p.m.
Energy and Natural Resources
To hold hearings on proposed legislation to expand the clean coal technology program.
SD-366

MAY 20

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Judicial Conference, Commission on the Bicentennial of the Constitution, U.S. Sentencing Commission, and the State Justice Institute.
S-146, Capitol

JUNE 13

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1988 for the Department of State.
SD-192

## CANCELLATIONS

APRIL 7

9:30 a.m.
Armed Services
Conventional Forces and Alliance Defense Subcommittee
To hold hearings on armaments cooperation within the NATO alliance.
SR-232A

APRIL 9

1:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 23

2:00 p.m.
Select on Indian Affairs
To hold hearings on proposed legislation to revise certain provisions of the Indian Self-Determination and Education Assistance Act (P.L. 93-638).
SR-485